

**CORRESPONDENCE
IN LIEU OF
DIRECTORS' MEETING
MONDAY, MAY 24, 2004**

I. MAYOR

- *1. Washington Report - May 14, 2004.
- *2. NEWS RELEASE - RE: Mayor Opens Federal Place - Building also included in new historic designation - (See Release)
- *3. NEWS ADVISORY - RE Mayor's Participation in a program to celebrate the renovation and expansion project at the Matt Talbot Kitchen - 10:00 a.m., Thursday, May 20th - 1911 "R" Street.
- *4. NEWS RELEASE - RE: Left Turns Prohibited At Old Cheney Road Intersection - (See Release)

II. CITY CLERK

- *1. Letter to City Clerk from Jane Lageschulte RE: Opposition to the Paving project at North 36th Street, Vine to "W" Streets (Paving District 2628)
- *2. Letter to City Clerk from Margaret Kelly RE: Opposition to the creation of Grading District 152/Graveling District 341 - in the north/south alley N. 58th Street to Touzalin Ave., Gladstone to Judson Streets.
- *3. Letter to City Clerk from Donald L. Adams & Rebecca M. Adams (Kolb) - RE: Paving District - North 36th Street - Vine to W St., Item #6, 04-86 - (See Letter)

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE

ANNETTE McROY

- 1. OUTSTANDING Request to Public Works & Utilities Department/
Lancaster County Engineering - RE: Future plans for NW 4th 48th Street (RFI#147 - 3/18/04) - (Sent Corrected Copy out on 3/22/04). — 1.) SEE

**RESPONSE FROM RANDY HOSKINS, PUBLIC WORKS &
UTILITIES DEPARTMENT RECEIVED ON RFI#147 - 3/26/04.**

2. **OUTSTANDING Request to Law Department/ Animal Control - RE: Cats
leash Law - (RFI#149 - 04/23/04). — 1.) SEE RESPONSE FROM
BRUCE DART, HEALTH DEPARTMENT DIRECTOR RECEIVED
ON RFI#149 - 5/04/04.**

PATTE NEWMAN

1. **OUTSTANDING Request to Ernie Castillo, Wynn Hjermstad, Marc
Wullschleger, Urban Development Department/ Terry Bundy, LES/
Allan Abbott, Public Works & Utilities Director/Mike DeKalb, Marvin
Krout, Planning Department/Lynn Johnson, Parks & Recreation
Director - RE: Signs or banners identifying individual neighborhoods -
(For Witherbee and Eastridge area) - (RFI#20 - 3/24/04). — 1.) SEE
RESPONSE FROM TERRY BUNDY, LES RECEIVED ON RFI#20 -
4/12/04.**
2. **OUTSTANDING Request to Nicole Fleck-Tooze, Dennis Bartels, Allan
Abbott, Public Works/Tonya Skinner, Dana Roper, City Law
Dept./Marvin Krout, Planning - RE: A resident of the Easthart
Neighborhood a problem they had in their development - the commons area
between 78th St. & Maxey School - (RFI#21- 4/29/04)**
3. **OUTSTANDING Request to Nicole Fleck-Tooze, Allan Abbott, Public
Works & Utilities Department - RE: A constituent in the 8200 block of
“A” Street - the City is asking their homeowner’s association to pay for
maintenance of a commons area - (RFI#22 - 4/29/04)**
4. **Request to Dana Roper, City Law Department/Police Chief Tom Casady -
RE: The disturbing the peace law - an infraction vs. a misdemeanor -
(RFI#23 - 5/19/04)**
5. **Request to Allan Abbott, Public Works & Utilities Director/Dana Roper,
City Law Department - RE: The Infrastructure Financing Meeting on
5/18/04 - subject of wheel tax was raised (RFI#24 - 5/19/04)**

TERRY WERNER

1. **OUTSTANDING** Request to Public Works & Utilities Department - RE: Planned Work at Warlick Blvd./Old Cheney Road/Creekside Drive - (RFI#126 - 04/21/04). — **1.) SEE RESPONSE FROM RANDY HOSKINS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#126 - 5/18/04.**
2. **OUTSTANDING** Request to **Allan Abbott, Public Works & Utilities Director** - RE: Proposed Changes on “A” Street - 10th to 27th - (RFI#127 - 5/03/04)

GLENN FRIENDT

1. **OUTSTANDING** Request to **Allan Abbott, Public Works & Utilities Department** - RE: “A” Street center lane traffic (RFI#32 - 5/03/04)

GLENN FRIENDT & ANNETTE McROY

1. Request to Allan Abbott, Public Works & Utilities Director/Police Chief Tom Casady - RE: Traffic safety on South 25th Street from N to J - (GF-- RFI#31&AM-RFI#150). — **1.) SEE RESPONSE FROM POLICE CHIEF TOM CASADY RECEIVED ON RFI#31-GF & RFI#150-AM-5/04/04. – 2.) SEE RESPONSE FROM SCOTT OPFER, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#31-GF & RFI#150-AM.**

B. DIRECTORS AND DEPARTMENT HEADS

FINANCE

- *1. Material from Mark Leikam, City of Lincoln Keno Auditor - RE: Keno Summary - (See Material)

BUDGET:

- *2. Council’s Budget Hearing Schedule for the 04-05 City Budget.

HEALTH

- *1. NEWS RELEASE - RE: Health Department And Cemeteries Craft Solution To Mosquito Problems - (See Release)

LIBRARY

- *1. DIRECTOR'S REPORT - RE: Lincoln City Libraries - April 2004 Statistics - Monthly Categorical Report - Fund Balances - April 2004.

PLANNING

- *1. Letter from Becky Horner to Richard Onnen, EDC - RE: Stone Bridge Creek 4th Addition Final Plat #03036.
- *2. Letter from Becky Horner to Mike Johnson, Olsson Associates - RE: Fallbrook 8th Addition Final Plat #03019 - (See Letter)

PLANNING COMMISSION FINAL ACTION

- *1. Preliminary Plat No. 04004 - Big Thompson Creek 1st Addition (Northeast of South 56th Street and Yankee Hill Road) Resolution No. PC-00865.
- *2. Preliminary Plat No. 04006 - Brandt Heights 1st Addition (South 84th Street and South Street) Resolution No. PC-00864.
- *3. Preliminary Plat No. 04009 - Stevens Creek Ridge 1st Addition (North 134th and Holdrege Streets) Resolution No. PC-00863.
- *4. Preliminary Plat No. 01012 - West Park 2nd Addition (S.W. 15th Court and West "A" Street) Resolution No. PC-00862.

PUBLIC WORKS & UTILITIES DEPARTMENT

- *1. Letter from Allan Abbott to Whom It May Concern: - RE: Once authorization has been given to others to excavate within the City right-of-way, the Department of Public Works/Utilities is responsible for assuring proper compaction of excavation has been obtained. Unfortunately, it is apparent that an increasing number of these excavations are not being compacted as required by Title 14 of the Lincoln Municipal Code.

C. MISCELLANEOUS

- *1. E-Mail from Jon Cleal - RE: New Taxes Proposed for Lincoln - (See E-Mail)
- *2. Letter from Elaine Ost diek to Annette McRoy - RE: Older neighborhood in Lincoln, appreciative of the efforts by the City to improve the infrastructure of neighborhoods such as ours - (See Letter)
- *3. E-Mail from Kim Epp - RE: Zoning - (Council & Joan Ross received copies of this E-Mail on 5/17/04)(See E-Mail)
- *4. Correspondence from Darrell Podany regarding his son - RE: Alex Petrov, University of Nebraska-Lincoln student entrepreneur - UNL, Wells Fargo give start-up loan to student entrepreneur - (See Correspondence)
- *5. E-Mail from Jerald & Carolynn Varner - RE: South Street Re-Zoning - Thank you - (See E-Mail)
- *6. Letter from Judy L. Becker - RE: Alley Grading District: North/South Alley, North 58th to Touzalin Avenue, Gladstone Street to Judson Street, Havelock Block 224 Lot 7 - (See Letter)
- *7. E-Mail from Janis Heim RE: Thanks for postponement of "A" Street Striping project.

IV. DIRECTORS

V. CITY COUNCIL MEMBERS

VI. ADJOURNMENT

***HELD OVER UNTIL JUNE 7, 2004.**

Washington Report

Vol. 10 No. 13
May 14, 2004

City of Lincoln -- Washington Office

Congress' Legislative Agenda Remains Stalled

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**Washington Report
Archives Available
on the Internet at:**

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archive.html](http://www.capitaledge.com/archive.html)

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MAY 14 2004

CITY COUNCIL
OFFICE

Washington Report

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Congress

Partisan politics and party infighting stall most major legislation this year. Congressional leaders began the legislative year with high hopes that they could complete action on some major legislation prior to the summer when the Presidential election was supposed to heat up. However, the combination of Senator John Kerry (D-MA) quickly securing the Democratic nomination and disagreements among Republicans in the House and Senate has dimmed chances of any major legislative accomplishments this year.

For local governments, the most glaring example of the gridlock is the reauthorization of federal highway programs (TEA-21). Highway bills are often a popular and bipartisan exercise, but this year the President has played a significant role in its fate, as have partisan squabbles in the Senate that have nothing to do with transportation. President Bush has consistently maintained that he does not approve of funding levels in either the House or Senate TEA-21 bills, even though both were approved by large majorities. As a result, neither the Speaker of the House nor the Senate Majority Leader are prepared to send a bill to the President that he might veto, thus placing GOP members in the uncomfortable position of having to override their President or turn away millions in transportation funds for their district.

Further complicating matters are the tactics of Senate Democrats, who are upset that they have been shut out of conference committee negotiations on major legislation. As a result, Senate Minority Leader Tom Daschle (D-SD) and his colleagues have used the rules of the Senate to prevent Senate conferees from being named.

In addition to the highway bill, Republicans in Congress have been unable to come to an agreement on a FY 2005 budget resolution,

which sets broad spending outlines under which the 13 appropriations subcommittees must operate. In this particular instance, a battle between Republicans over the budget rules that would mandate offsetting spending reductions for any tax cuts or mandatory spending increases has stalled that effort. GOP leadership believes that reinstituting such rules would jeopardize their chances of making the Bush tax cuts of 2001 and 2003 permanent, while Republican deficit hawks favor mandating such offsets.

With no end in sight to the stalemate over the budget resolution, House Appropriations Committee Chairman Bill Young (R-FL) has begun to assign subcommittees their FY 2005 allocations and instructed subcommittee chairmen that he would like the full committee to mark up all 13 of its bills between Memorial Day and the last week in July. These annual spending bills are the only measures that Congress must pass, and it is likely that tight spending caps will once again make it difficult to approve each of the 13 bills individually. Unless Republicans decide to roll them all into a large "omnibus" package this summer, it is likely that FY 2005 spending may not be completed until after the November elections.

Finance

Senate passes corporate tax bill. After months of often acrimonious partisan debate, the Senate reached a compromise and overwhelmingly approved corporate tax legislation (S 1637). Though the original intent of the bill was to bring the tax code into compliance with a World Trade Organization (WTO) ruling that an export tax credit violated WTO rules, the final bill is a several hundred page grab bag of unrelated tax measures ranging from provisions designed to offset the loss of the export tax credit for business to the extension of popular tax provisions set to expire and obscure provisions designed to benefit specific industries or

corporations. The final bill also includes the \$13 billion tax title of comprehensive energy legislation (HR 4) passed by the Senate last year (including the various tax credits for renewable energy). With the European Union (EU) imposing gradually increasing retaliatory tariffs on a wide array of American goods, most legislators view the bill as must pass legislation. However, final passage had been held up over disagreements about what the bill should include.

As passed by the Senate, the final bill includes offsets of some of the new tax breaks it would create but is still estimated to cost \$170 billion over 10 years. In a blow to a coalition of local governments, transit agencies and the leasing industry, one of the offsets in the bill is the retroactive (to November, 2003) repeal of a provision of the tax code that allows transactions known as "sale-leasebacks." Under this provision, local government, transit agencies and other public entities sell public property such as subway cars or streetlights to private investors and then lease them back. The transactions benefit public agencies by providing an influx of private capital to build and maintain public infrastructure. The leasing companies gain tax benefits from writing off the depreciation of the public property. In addition, reports this morning indicate that House Ways and Means Committee Chairman Bill Thomas (R-CA) is mulling adding the Senate sale-leaseback provision to his own bill (HR 2389) as an offset. Thomas had previously supported a narrower curtailing of sale-leaseback transactions and had specifically opposed any provision that would bar the transactions retroactively.

Thomas's deliberations about offsets come after months of stalemate on the House bill, which he has been unable to shepherd out of Committee due to a number of disagreements, some of them partisan and yet others between Committee Republicans. However, the Senate's action and the monthly increases in the retaliatory EU tariffs are putting pressure on Thomas to act and his deliberations are a sign that he will do so soon. What remains unclear

is how far Thomas will go in acquiescing to the Senate's demand for offsets and whether he will agree in a potential Conference Committee (should the bill pass the House) to the Senate's inclusion of the tax title of the energy bill and to the Senate's long laundry list of random tax provisions.

Though a copy of the final Senate-passed version of S 1637 is not yet available, preliminary reports show that it includes a number of items of interest to local governments:

- ▶ Extension of the Work Opportunity Tax Credit (WOTC) and the Welfare-to-Work Tax Credit through December 31 and then creation of a new combined permanent tax credit beginning in 2005
- ▶ Extension of the authorization for the expensing of Brownfield remediation costs
- ▶ Extension through 2005 of the tax credit for electricity produced using renewable resources including wind, closed-loop biomass and poultry waste
- ▶ Prospective repeal of the "ten-year rule" for mortgage revenue bonds
- ▶ Expansion of the Historic Rehabilitation Tax Credit from 20% to 25% for rehabilitation of historic structures used to provide affordable housing to senior citizens
- ▶ \$500 million in federal tax credits for states to allocate for passenger rail capital projects
- ▶ Authorization for states to issue up to \$400 million in Qualified Zone Academy Bonds for school construction and renovation in 2004 and 2005

Public Safety

Senate committee fails to complete action on anti-gang measure. For the third time in a matter of weeks, the Senate Judiciary Committee was unable to finish its work on legislation (S 1735) that would increase law enforcement resources for combating gang violence when the Committee failed to maintain a quorum long enough to complete action on the bill.

The Gang Prevention and Effective Deterrence Act of 2003, introduced by Committee Chairman Orrin Hatch (R-UT), would make it a federal crime to participate in "various criminal street gang related offenses." Under the bill, a street gang is defined as three or more people who conspire to commit two or more crimes together. Crimes that fall under the jurisdiction of the bill include murder, manslaughter, gambling, kidnaping, robbery, arson, burglary, sexual assault, carjacking, or manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance, and possession of fake identification documents. The bill would also authorize \$20 million for each of the fiscal years through 2008 to fund programs that enable prosecutors to more effectively address drug, gang and youth violence, and other violent crime problems; technology and training for prosecutors to increase the accurate identification and successful prosecution of young violent offenders, and to create and expand witness and victim protection programs.

During the abbreviated mark-up session, the Committee did adopt a substitute amendment offered by Hatch that would drop some of the mandatory prison sentences that were contained in the original bill and would give judges more of role in deciding whether or not to prosecute juveniles as adults.

Although some Democrats on the Committee say that the bill still unnecessarily federalizes many crimes and would expose more lawful permanent residents to imprisonment or deportation,

the Committee is expected to approve the bill. However, the bill's fate in the full Senate is unclear. There is no companion bill in the House.

Federal Register

The following notices were printed in the *Federal Register* this week. Further information may be obtained from this office.

Department of Health and Human Services, May 10: The Centers for Disease Control and Prevention have announced the availability of funding for the BECAUSE Kids Count! (Building and Enhancing Community Alliances United for Safety and Empowerment) program. A total of \$600,000 will be available to fund approximately three grants of about \$200,000. The purpose of the program is to expand the capacity of national organizations and their state, local, and regional affiliates to address the prevention of physical, emotional, and sexual abuse, and neglect. Eligible applicants include national organizations that are non-profit and non-governmental. Applications are due by June 23, 2004 and are available online at: www.cdc.gov. (Pages 25899-25903.)

Department of Health and Human Services, May 11: The Administration for Children and Families, Office of Community Services has announced the availability of \$2 million in FY 2004 funding for the Community Economic Development National Institutions project. The purpose of this program is to provide technical and financial assistance to non-profit and faith-based organizations to support the development of activities designed to create jobs and business ownership opportunities for low-income residents of urban areas. The Administration estimates that approximately four awards will be made during the FY 2004 grant cycle for \$500,000 each. Applications are due June 25, 2004 and may be obtained online at: www.grants.gov. (Pages 26122-26134)

Department of Health and Human Services, May 11: The Administration for Children and Families, Office of Community Services has announced the availability of \$4.5 million in FY 2004 funds for the Job Opportunities for Low-Income Individuals (JOLI) program. Eligibility for this funding opportunity is limited to non-profit and faith-based organizations and priority will be given to applicants proposing to serve those areas containing the highest percentages of individuals receiving TANF assistance. It is estimated that nine to ten awards averaging \$500,000 will be made during the FY 2004 grant cycle. Applications are due July 12, 2004 and may be obtained online at: www.grants.gov. (Pages 26145-26159)

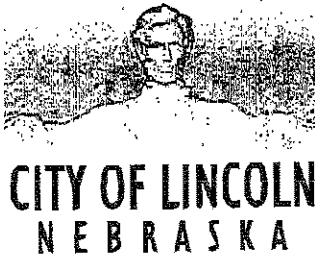
The Department of Housing and Urban Development, May 12: The Office of Departmental Grants Management and Oversight has announced that it is accepting applications for the Housing Counseling Training program. A total of \$775 million is available to fund approximately 45 awards. The purpose of the grant is to improve and ensure the quality of counseling provided by counselors working for HUD-approved housing counseling agencies. Eligible applicants include public or private non-profit organizations with at least two years of experience providing housing counseling. Applications are due by June 14, 2004 and may be accessed online at: www.hud.gov. (Grants.gov)

Department of Health and Human Services, May 12: The Centers for Disease Control have announced the availability of \$10.5 million in FY 2004 funds for the Steps to a Healthier US program. The purpose of this program is to provide funding to enable communities to reduce the burden of chronic disease, including: preventing diabetes among populations with pre-diabetes; increasing the likelihood that persons with undiagnosed diabetes are diagnosed; reducing complications of diabetes; preventing overweight and obesity; reducing overweight and obesity; and reducing the complications of asthma. It is expected that a total of 10 awards will

be made during the FY 2004 grant cycle. Of those ten awards, five will go to large cities or urban communities and three will go to small cities. Applications are due June 21, 2004 and may be obtained online at: www.grants.gov. (Grants.Gov)

The Corporation for National and Community Service, May 13: The Office of Grants and Management has announced the availability of FY 2004 funds for the Challenge Grants program. Approximately \$2,400,000 is available to fund four grants ranging between \$500,000 and \$1,000,000. The purpose of this program is to help nonprofit organizations to build sustainable service and volunteer programs through previously untapped sources of private funds. Eligible applicants include state and local governments, independent school districts, public housing authorities, nonprofit organizations, and private institutions of higher education. Applications are due by June 8, 2004 and may be obtained online at: www.nationalservice.org/whatshot/notice_s.html. (Grants.gov)

Department of Housing and Urban Development (HUD), May 14: HUD has announced the availability of approximately \$2.3 billion in funds for grant programs under the HUD SuperNOFA. This funding covers approximately 50 programs operated and administered by HUD offices. Ultimately, through the SuperNOFA, HUD will award \$296.8 million in community development, \$237.3 million in economic development, and \$1.7 billion in targeted housing and homeless assistance. SuperNOFA applications can be downloaded at www.hud.gov/grants. Application deadlines and funding levels vary by program. (Pages 26942-27291)



NEWS RELEASE

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: May 18, 2004**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831

Dallas McGee, Urban Development, 441-7857

Polly McMullen, Downtown Lincoln Association, 434-6900

MAYOR OPENS FEDERAL PLACE

Building also included in new historic designation

Mayor Coleen J. Seng will kick off the grand opening ceremony of the redeveloped Old Federal Building at 5 p.m. **TODAY, Tuesday, May 18** at the new **Federal Place, 129 North 10th Street**. NuStyle Development Corporation has redeveloped the historic building into 43 apartments with underground parking and first floor commercial space. The third floor courtroom has been restored and will be used for a community meeting room. The ceremony at 5 p.m. is part of an open house from 4:30 to 6:30 p.m. Apartments and public spaces will be open to the public during that time.

"Today, we celebrate the 100th birthday of a Lincoln landmark," said Mayor Seng. "The Old Federal Building is now Federal Place, thanks to NuStyle's redevelopment, which has breathed new life into this building. I want to thank NuStyle for creating a beautiful new space while carefully maintaining the historic character of the building. I also want to recognize the City's Urban Development Department, the Downtown Lincoln Association, the Lincoln City Council and the others who made this transformation possible."

The City received news last week that "Government Square," the entire block from 9th to 10th streets and "O" to "P" streets has been listed on the National Register of Historic Places. In addition to Federal Place, the block also includes Old City Hall and a small building at the corner of 9th and "O" known as the "comfort station." Ed Zimmer, the historic preservation specialist in the City-County Planning Department, said the designation recognizes the importance the buildings in the history of Lincoln and provides federal tax incentives to aid in rehabilitating them. "Each of these buildings alone is an architectural gem, but together, they are even more important, a real keystone of Lincoln's history," said Zimmer.

"This is a terrific addition to the downtown housing market, which is really booming right now," said Polly McMullen, President of the Downtown Lincoln Association. "Many people are choosing to live downtown, and that has resulted in an overall occupancy rate of 96 percent. Many of the downtown residential properties are at 100 percent occupancy, and many others are close to that rate."

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MAY 18 2004
CITY COUNCIL
OFFICE

Federal Place**May 18, 2004****Page Two**

The Old Federal Building was built in several phases beginning in 1904. It was used as the post office and federal office space until 1969, when the new post office at 7th and "R" and the Denney Federal Building at 15th and "O" were completed. The building was then acquired by the City of Lincoln, which declared it surplus in 1987, making it eligible for sale and redevelopment.

A 1998 study of downtown Lincoln identified the redevelopment of the Old Federal Building as a priority project. A redevelopment study of the building was completed in 2000. The City accepted proposals, and the redevelopment plan by NuStyle was unanimously recommended by a citizen review committee in the fall of 2001. After the City Council approved the redevelopment agreement, the sale of the building was finalized in May 2003, and work began later that month.



CITY OF LINCOLN
NEBRASKA

NEWS ADVISORY

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

OFFICE OF THE MAYOR

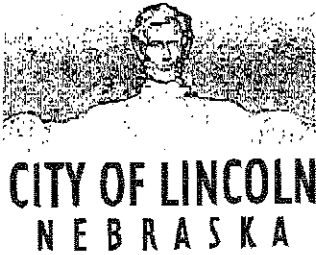
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: May 19, 2004

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Coleen J. Seng will participate in a program to celebrate the renovation and expansion project at the Matt Talbot Kitchen at **10 a.m. Thursday, May 20 at 1911 "R" Street**. The organization offers meals and other services to homeless and needy individuals.

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NEWS RELEASE

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

PUBLIC WORKS AND UTILITIES DEPARTMENT

Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

FOR IMMEDIATE RELEASE: May 20, 2004

FOR MORE INFORMATION: Scott Opfer, Engineering Services, 441-7851

RECEIVED
MAY 20 2004
CITY OF LINCOLN
OFFICE

LEFT TURNS PROHIBITED AT OLD CHENEY ROAD INTERSECTION

The City Public Works and Utilities Department will temporarily prohibit left turns from Rolling Hills Boulevard onto Old Cheney Road beginning Friday, May 21. The change is being made because of City and neighborhood concerns about traffic safety.

Randy Hoskins, City Traffic Engineer, said five right-angle crashes have occurred at the intersection since the 14th Street improvement project began last year. That compares to four collisions at the intersection in the preceding ten years. The left turns will be prohibited until 14th Street is reopened to traffic.

"We understand that this change may be inconvenient for some, but safety must be our first priority," said Hoskins. "Until 14th Street reopens, we urge motorists to use the detour route, and we have adjusted traffic signals to accommodate the additional traffic." The recommended detour route includes Pine Lake Road, 27th Street and Old Cheney.

A list of City street and road construction projects is available on the home page of the City web site at lincoln.ne.gov. With many improvement projects now under way, drivers are encouraged to plan ahead for alternate routes to their destinations.

07-06
#6

FILED
CITY CLERK'S OFFICE

May 18, 2004

RE: Paving District
North 36th Street
Vine to W St.

2004 MAY 19 A 11: 28

CITY OF LINCOLN
NEBRASKA

City Clerk,

Upon receiving the notification of the request for paving I reviewed the actual benefits of this proposal and saw none to the betterment of either the neighborhood or the city as a whole. There are some possible detriments; these include possible local traffic for the 36th and Vine intersection, which would add risk and confusion to the already congested and dangerous 35th and Vine intersection. The only perceived betterment is to the value to the directly adjacent properties. The proposed properties being assessed the cost have no added value from this project. In fact they will have lesser value due to the added issues described before. If the "City" deems this a necessary project, then the **Entire City** should share in the cost. If a few directly effected individuals feel this is necessary, then they should bare the cost. Assessing properties with additional taxes for a project that does not benefit them, and they do not have a final say in the actual decision, seems to contradict what a democratic process is to protect against. The decision should be based on the will of all the properties effected by the assessment not just a few. Please consider this notice as a vote of **NO** for the paving project of North 36th Street, Vine to W Street.

Sincerely,

Jane Lageschulte

Jane Lageschulte
Pecks Grove
Lot 10 Block 8
(3530 Vine St.)

RECEIVED
MAY 19 2004
CITY COUNCIL
OFFICE

3 04-83
4 04-84

Dear City Council

5-17-04

I do not want my part of this alley open.

The reason for this is there are people in this town who have no respect for other peoples property.

This way by keeping it closed, we will have less trouble.

We wont have people we dont know driving or walking through the alley at all hours of the night.

This does not make me feel safe.

I like my privacy.

I do not want to pay for the grading or paving for this alley that I wont be using.

Just so two of these people can have access to it.

RECEIVED
MAY 19 2004
CITY COUNCIL
OFFICE

They should have
checked all of this out before
building there garages. And
expecting the rest of us
on this block to give in
and pay for what they
want.

I will not pay
for something that I wont
use.

I will not agree
or sign anything to open
this alley, now or in
the future.

Sincerely,

Margaret Kelly

5840 Judson St.

FILED
CITY CLERKS OFFICE
MAY 19 4 16 PM
CITY OF LINCOLN
NEBRASKA

May 18th, 2004
RE: Paving District
North 36th Street
Vine to W St.

04-86
#6
FILED
CITY CLERK'S OFFICE

2004 MAY 20 A 10: 29

CITY OF LINCOLN
NEBRASKA

City Clerk,

After receiving the letter containing the information for the paving of 36th from Vine to "W," I have concluded that my current status as a self-employed husband of a disabled wife, with stressful financial means, I am against the paving of 36th street. The adjacent properties to the paving are the only people benefiting from the 36th street paving and should than carry the financial responsibility. If the city deems this necessary, than the city and the adjacent properties should bear the cost, not unaffected local residents. I am also concerned of additional traffic problems at the intersection, which in result could affect safety and my own property value. I am sure I am not the only concerned resident with this issue, assessing our properties with additional taxes and cost is unfair when we don't have the final decision. In the democratic state we live in, the vote of the many should outweigh the few. I strongly vote **NO** to the paving based on financial, safety, and future. Again I do not understand why I am responsible for their benefit at my cost.

Sincerely,

Donald L. Adams
Rebecca M. Adams (Kolb)
Pecks Grove Park
Block 7 Lot 6 W1.6'
3620 Vine St.

RECEIVED
MAY 20 2004
CITY COUNCIL
OFFICE

Memorandum

To: Terry Werner, City Council
From: Randy Hoskins, City Traffic Engineer
Date: May 10, 2004
Subject: Warlick/Old Cheney/Creekside Questions - RFI #126

RECEIVED
MAY 18 2004
CITY COUNCIL
OFFICE

The following are the answers to your questions:

1. Do plans include installing a traffic light at the newly created intersection of Warlick Blvd and Creekside Drive? If not, why not?

As the project stands right now, the project ends northeast of the Warlick/Creekside intersection. As a result, there will be no new intersection at that location. There is not sufficient volume on Creekside Trail to warrant the installation of a traffic signal, nor is there expected to be at any time in the future unless additional development occurs in Ruskin Place.

2. Do plans include steps to slow traffic along Warlick Blvd in the area of Creekside Dr., e.g. post a slower speed limit? If not, why not?

The speed limit will likely be lowered sooner than it is now, though not necessarily back as far as Creekside Trail. We will try to make the new road appear more of an urban setting, which will hopefully encourage motorists to slow their speeds.

3. Do plans include installing a turn lane for traffic turning onto Creekside Dr. and into Ruskin Place from Warlick Blvd.? If not, why not?

We are considering extending the scope of this project to include turn lanes at this location. The final determination will come down to the project costs vs. the budget available to fund all the desired improvements.

4. Are there (plans) to install crosswalks and sidewalks in this area? If not, why not?

We will be installing a traffic signal at the intersection of the relocated Old Cheney with Warlick Boulevard. There will be full pedestrian accommodations at the signal, including pedestrian indications, crosswalks, and curb ramps. The sidewalks will extend from that point up to the intersection of 14th and Old Cheney.

5. Do plans include the installation of an underpass overpass at Warlick Blvd.? If not, why not? (I am gravely concerned about the safety and lives of citizens, particularly children, crossing the boulevard in this area.)

There are no plans for an overpass or an underpass. As noted, there will be traffic signals to facilitate pedestrian crossings of Warlick.

6. Are there plans to alleviate the ongoing problem with drainage in the area? If not, why not?

We will be meeting with representatives of the Nebraska Department of Roads to discuss drainage issues on this project. We are also working with other staff experienced with drainage on the sizing of any culverts, if necessary, with the goal of not aggravating any existing flooding or drainage issues.

7. Has there been a noise study conducted in this area? Are there plans to create buffers for noise pollution? If not, why not?

No noise study has been conducted. We typically do not conduct noise studies for widening projects, nor do we install noise buffers on projects such as these. There are a few retaining walls on the project that will deflect some of the noise, but no large walls that will protect the neighborhoods or businesses.

Lastly, I ask you the possibility of creating a different configuration which would provide access to the Creekside neighborhood while eliminating the plan to divert traffic from Warlick onto Creekside Dr. For example, in lieu of the current plan:

1. Create a road directly south of the Dept. of Roads facility on 14th, going west to Hunt Dr., and south to Old Cheney.

There are several concerns with this concept. There is no right-of-way for the east/west road, so that would have to be purchased from either the Nebraska Department of Roads maintenance yard and/or the backyard of the residents along the north side of the Salt Valley View Neighborhood. This would mean that the homes along the north side of the neighborhood would have streets on both their front and back sides. There is no traffic need for this roadway, nor is there enough money in the project budget.

2. I understand a north left turn (to the north) and lights cannot be installed at the location of the Dept. of Roads facility; thus, could we create a frontage road along the west side of 14th St. which would run north from the new road (at Dept. of Roads facility) to a point a light can be installed for access onto north bound 14th St. traffic?

This was proposed as an option in one of the prior concepts when there was no connection between the relocated Old Cheney and Warlick. With the inclusion of the Old Cheney connection, creating an additional roadway and the added costs for that construction and right-of-way was not considered to be cost effective for this project.

3. Lower the median at 14th and the new road for emergency vehicles to access the area. Is the above scenario an alternative? If not, why not?

While the existing median opening at 14th Street and Salt Valley View Road will be closed, emergency vehicles will still be able to cross that median to respond to emergencies. The curb on the median will be similar to other curbs, but we will design the median to allow vehicles to cross it.

cc: Jack Loos
5731 Limestone Rd. 68512

Linda Anderson
5800 Brome Ln 68512

Bob Moberly
831 Glenarbor Dr. 68512

Dale and Joni Mueller
710 Old Cheney Rd. 68512

Don and Liz Whelan
739 Glenridge Rd. 68512

Referred to: _____

REQUEST FOR INFORMATION
COUNCIL OFFICE

4040181

By: Terry Werner - #126
(Council Member)April 21, 2004
DateREQUEST: RE: Planned Work at Warlick Blvd./Old Cheney Rd./Creeside Drive

Would you please respond to the attached E-Mail and send me a copy of the response.
Thanks.

- Terry Wernercc: Jack Loos, 5731 Limestone Rd. (12) - FOR YOUR INFORMATION - COPY OF REQUEST SENT BY COUNCIL MEMBER,
NO RESPONSE REQUIRED FROM YOULinda Anderson, 5800 Brome Lane (12) - FOR YOUR INFORMATION - COPY OF REQUEST SENT BY COUNCIL
MEMBER, NO RESPONSE REQUIRED FROM YOUBob Moberly, 831 Glenarbor Drive (12) - FOR YOUR INFORMATION - COPY OF REQUEST SENT BY COUNCIL
MEMBER, NO RESPONSE REQUIRED FROM YOUDale & Joni Mueller, 710 Old Cheney Rd. (12) - FOR YOUR INFORMATION - COPY OF REQUEST SENT BY COUNCIL
MEMBER, NO RESPONSE REQUIRED FROM YOUDon & Liz Whelan, 739 Glenridge Rd. (12) - FOR YOUR INFORMATION - COPY OF REQUEST SENT BY COUNCIL
MEMBER, NO RESPONSE REQUIRED FROM YOUMayor's Office

RESPONSE (Indicate action taken):

By:

Randy Hoskins

Date

5-10-04MemoCOMMENTS:
PLEASE RESPOND WITH 15 COPIES/tjg



Susan Hale
<sh55351@alltel.net>
04/21/2004 12:17 PM

To: Bogenreif <tbogenreif@cl.lincoln.ne.us>
cc:
Subject: RFI (Warlick)

Tammy, please process the following RFI. Thank you.
Susan

RFI #126

Request for Information

April 21, 2004

TO: Public Works & Utilities
FROM: Terry Werner, City Council
RE: Planned Work at Warlick Blvd/Old Cheney Rd/Creekside Drive

RECEIVED
APR 21 2004
CITY COUNCIL
OFFICE

Please respond to the following questions regarding the planned work at Warlick Blvd/Old Cheney Rd/Creekside Dr.

1. Do plans include installing a traffic light at the newly created intersection of Warlick Blvd and Creekside Drive? If not, why not?
2. Do plans include steps to slow traffic along Warlick Blvd in the area of Creekside Dr., e.g. post a slower speed limit? If not, why not?
3. Do plans include installing a turn lanes for traffic turning onto Creekside Dr. and into Ruskin Place from Warlick Blvd.? If not, why not?
4. Are there to install crosswalks and sidewalks in this area? If not, why not?
5. Do plans include the installation of an underpass overpass at Warlick Blvd.? If not, why not?
(I am gravely concerned about the safety and lives of citizens, particularly children, crossing the boulevard in this area.)
6. Are there plans to alleviate the ongoing problem with drainage in the area? If not, why not?
7. Has there been a noise study conducted in this area? Are there plans to create buffers for noise pollution? If not, why not?

Lastly, I ask you the possibility of creating a different configuration which would provide access

to the Creekside neighborhood while eliminating the plan to divert traffic from Warlick onto Creekside Dr. For example, in lieu of the current plan:

1. Create a road directly south of the Dept. of Roads facility on 14th, going west to Hunt Dr., and south to Old Cheney.
2. I understand a north left turn (to the north) and lights cannot be installed at the location of the Dept. of Roads facility; thus, could we create a frontage road along the west side of 14th St. which would run north from the new road (at Dept. of Roads facility) to a point a light can be installed for access onto north bound 14th St. traffic?
3. Lower the median at 14th and the new road for emergency vehicles to access the area.

Is the above scenario an alternative? If not, why not?

If my questions and suggestions are as "clear as mud," please give me a call so we can discuss. I thank you for your time, consideration and response.

Please cc: to the following::

Jack Loos
5731 Limestone Rd. 68512

Linda Anderson
5800 Brome Ln 68512

Bob Moberly
831 Glenarbor Dr. 68512

Dale and Joni Mueller
710 Old Cheney Rd. 68512

Don and Liz Whelan
739 Glenridge Rd. 68512

Referred to: Allan Abbott, Public Works & Utilities Dir./Police Chief Casady

Scott

REQUEST FOR INFORMATION
COUNCIL OFFICE

4040231

By: Glenn Friendt-#31 & Annette McRoy-#150
(Council Member)

April 28, 2004

Date

RECEIVED

REQUEST: RE: Traffic safety on South 25th Street from N to J

MAY 20 2004

CITY COUNCIL

OFFICE Please

Would you please respond to the attached Memo and send me a copy of the response?
response to Mr. Jamie Pleines with copy to Glenn and Annette. Thanks.

Glenn Friendt & Annette McRoy

cc: Mr. Jamie Pleines

535 S. 25th Street (10) - **FOR YOUR INFORMATION - COPY OF REQUEST SENT BY
COUNCIL MEMBER, NO RESPONSE REQUIRED FROM YOU**

Mayor's Office

RESPONSE (Indicate action taken):

By:

Scott Opfer

Date

5-11-04

see attached letter

COMMENTS:

PLEASE RESPOND WITH 15 COPIES/tjg



CITY COUNCIL OF LINCOLN NEBRASKA

555 South 10th Street • Lincoln, NE 68508 • 402-441-7515

FAX: 402-441-6533 • E-MAIL: council@ci.lincoln.ne.us

DATE: April 27, 2004

FROM: Glenn Friendt and Annette McRoy
Lincoln City Council

TO: Allan Abbott, Director of Public Works and Utilities
Tom Casady, Police Chief

RE: RFI / Traffic safety on South 25th Street from N to J

GF=RFI#31
am=RFI#150

Please respond to a constituent request to improve traffic safety for children on South 25th Street between N and J.

On or about April 20, 2004 a traffic accident occurred on South 25th Street causing serious injuries to a young child. Because of the volume and speed of traffic along this street and the significant number of children in the neighborhood attending Elliott school please investigate implementation of the following:

1. Speed limit enforcement on South 25th Street between N and J by LPD.
2. Increased signs along South 25th Street between N and J indicating the presence of children, school proximity, speed limits, and/or any other appropriate cautionary or warning signs.
3. Training neighbors in the use of an electronic speed indicator sign.
4. Any other considerations by your respective Depts. that might improve traffic safety for children in this neighborhood..

Please direct your response to:

Mr. Jamie Pleines
535 S. 25th Street
Lincoln, NE 68510
730-6122
Goliath@alltel.net

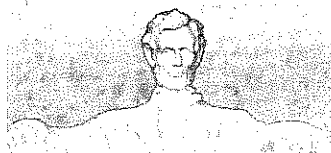
RECEIVED

APR 28 2004

CITY COUNCIL
OFFICE

In your response please indicate that you are responding to this joint request from our City Council offices.

Thank you.



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG
www.ci.lincoln.ne.us

Engineering Services
Public Works and Utilities Department
Allan Abbott, Director
531 Westgate Blvd.
Suite 100
Lincoln, Nebraska 68528
402-441-7711
fax: 402-441-6576

May 11, 2004

Jamie Pleines
535 S. 25th Street
Lincoln, NE 68510

Dear Mr. Pleines:

Thank you for sharing with us your concerns for traffic and pedestrian safety along 25th Street, 'N' Street to 'J' Street. City Council members Glenn Friendt and Annette McRoy referred these concerns to both the Public Works and the Lincoln Police Departments. I will be addressing your request for increased signs along this piece of 25th Street.

Currently, 'N' Street and 'L' Street, we have four "School Crossing" signs in place (two which are intended to warn drivers in advance that they are approaching a school crossing and two which specifically identify the school crossing). Two of these are for northbound traffic and two are for southbound traffic. In addition we have "No Parking Anytime" signs, primarily at or near intersections and adjacent to the school crossing itself to help to provide for sight distance. This signing is very typical of most streets adjacent to schools. The "School Crossing" signs are present to serve three primary purposes: First, they are there to warn drivers of the school grounds and the potential for children in the area, second, they are there to warn drivers of an actual school crosswalk where students will potentially be crossing the street; and finally, they are there to guide pedestrians to a location where drivers are expecting to see them crossing the street. The recent accident involved a child darting out across the street on a scooter, between parked cars. This is not an area where drivers are expecting to see people cross the street.

In closing, we feel the existing signing along this piece of 25th Street is appropriate. The speed limit is 25 mph and with the amount of on-street parking which occurs daily between 'N' and 'J' Streets, vehicle speeds are, on the average, relatively low. This was an unfortunate accident where a child made a mistake and according to the Investigator's Report, the driver wasn't wearing his glasses, which was required of him to operate a motor vehicle. Two errors which ultimately injured a young person. We are always concerned about the safety of all the citizens in our community, especially children, and we work very closely with Elementary Schools and neighborhood groups to provide for as safe an atmosphere as possible. Whenever we work with these groups we explain the "3 E's" of traffic safety: Engineering, Enforcement and Education. We feel that we have a properly "Engineered" street, including traffic signing and marking, and the Lincoln Police Department does their best to "Enforce" the traffic laws, but neither will work if people are not "Educated" on how and where to cross the street.

Again, thank you for caring enough about your neighborhood to take the time to contact your City Council members. If we can answer any specific questions or if you have further concerns related to traffic safety you may contact me by calling 441-7711 or you can e-mail me at sopfer@ci.lincoln.ne.us.

Sincerely,

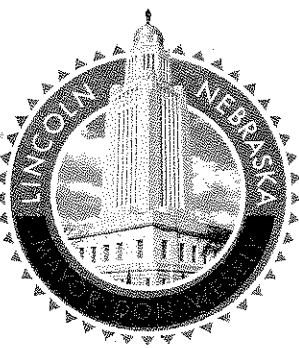


Scott A. Opfer, Manager
Traffic & Engineering Services Operations
Public Works & Utilities Department

c.c. City Council
Coleen Seng, Mayor
Allan Abbott
Randy Hoskins
Nicole Fleck-Tooze
Karen Sieckmeyer
Maggie Kellner

Lincoln

Mayor Coleen J. Seng



Nebraska's Capital City

RECEIVED
MAY 19 2004
CITY COUNCIL
OFFICE

The Honorable Mayor
And Members of the City Council
Lincoln, Nebraska

I have performed the procedures as required by Revenue Ruling 35-96-3 published by the Nebraska Department of Revenue, Charitable Gaming Division, which were agreed to by the City of Lincoln and the Nebraska Department of Revenue, solely to assist the specified users in evaluating the City of Lincoln's compliance with the Nebraska County and City Lottery Act and County and City Lottery Regulations during the quarter ended March 31, 2004. The sufficiency of these procedures is solely the responsibility of the specified users of the report.

Sample sizes exceeded the minimum required and additional procedures were performed as determined necessary by the City of Lincoln's level of keno activity and are summarized as follows:

<u>Audit Procedure</u>	<u>Sample Size</u>	<u>Minimum Required</u>
• Review videotapes of ball draws.	150 games	5 games per month
• Review winning tickets of \$1,500 and over.	100% (77 tickets)	100% (up to 23)
• Review winning tickets and payout slips	200 tickets	23 tickets
• Review void tickets and void slips.	104 tickets	23 tickets
• Trace paid tickets to the transaction log.	50 tickets	23 tickets
• Verify the accuracy of the transaction log.	3 days	1 shift
• Recalculate the prize reserve balance and reconcile to prize bank accounts.	Each month end	Not required
• Verify that lottery worker applications have been filed with the State for all employees performing work directly related to the conduct of the lottery.	100%	Not required

During the performance of the required procedures and additional testing noted above, no findings were noted except for the following:

1. Regulation: 35-613.04C
 - Condition: During the quarter, cameras recording the rabbit ears were not properly aligned. This caused balls #1 and #11 to be partially cutoff on the videotapes. In addition, the date/time stamp on the videotapes partially blocked ball #20.
 - Criteria: Regulation 35-613.04C requires videotaping of keno games. The picture of the rabbit ears on the videotape is required to provide a legible identification of the numbers on the balls drawn.
 - Cause: It is unknown how the cameras became improperly aligned.
 - Effect: Four of 150 games tested for the quarter (2.7%) had one ball which could not be verified.
 - Additional Facts: The cameras have been adjusted to correct the problems noted.
 - Recommendation: I recommend that Big Red Keno verify the proper operation of the videotaping equipment each day prior to the running of keno games. This should include verification by a keno manager that the recording is providing legible identification of all balls in the rabbit ears.

This report is intended solely for the information and use of officials of the City of Lincoln, the management of Lincoln's Big Red Lottery Services Ltd. and the Nebraska Department of Revenue and is not intended to be and should not be used by anyone other than these specified parties.

Mark Leikam

Mark Leikam
City of Lincoln Keno Auditor
May 11, 2004

INTER-DEPARTMENT COMMUNICATION

RECEIVED

MAY 19 2004

**CITY COUNCIL
OFFICE**

TO: «name» **DATE:** May 13, 2004
DEPARTMENT: «dept» **FROM:** Sherry Wolf
ATTENTION: **DEPARTMENT:** Finance/Budget
COPIES TO: City Council
Mayor's Office
Don Herz
Steve Hubka
Jan Bolin
«copy1»
«copy2» **SUBJECT:** Budget Meetings with City
Council & City-County
Commons

Attached is a copy of the schedule of City Council and Commons Budget hearings. Please check your calendar and notify me immediately if you have an irreconcilable conflict. If your budget meeting follows other departments' meetings, please be available 15 minutes early so we can continue if we get ahead of schedule.

If you have questions or need to reschedule, you can reach me at 441-8305.

2004-05 CITY COUNCIL/COMMONS BUDGET HEARINGS SCHEDULE

Monday, June 28, 2004 in Council Chambers and Conference Room 113

2 p.m.	State of the City Address
3:30 p.m.	Mayor's Budget Presentation

COMMONS MEETINGS - Tuesday, July 6, 2004 in Conference Room 113

4 p.m.	Health
4:30 p.m.	Human Services & Justice Council
4:45 p.m.	Commons votes on forwarding JBC recommendations
5 p.m.	Special Needs
5:15 p.m.	Women's Commission
5:30 p.m.	Emergency Management
5:45 p.m.	Corrections
6 p.m.	BREAK
6:30 p.m.	Juvenile Diversion
6:45 p.m.	Aging
7:15 p.m.	Information Services
7:30 p.m.	Personnel (excludes Risk Management)
7:45 p.m.	Planning
8 p.m.	Public Building Commission
8:15 p.m.	Diversion Services
8:30 p.m.	911 Communications & Radio Maintenance

Wednesday, July 7, 2004 in Conference Room 113

1 p.m.	Library
1:30 p.m.	Fire
2 p.m.	Police
2:30 p.m.	Risk Management
2:45 p.m.	Parks & Recreation
3:30 p.m.	BREAK
3:45 p.m.	Urban Development
4:15 p.m.	Law
4:30 a.m.	Finance/Miscellaneous Budgets
5 p.m.	Citizen Information Center
5:15 p.m.	Mayor's Office
5:30 p.m.	Affirmative Action
5:45 p.m.	Human Rights
6 p.m.	City Council

Monday, July 12, 2004 in Conference Room 113

8:30 a.m.	Public Works & Utilities
10:30 a.m.	Building & Safety
11 a.m.	Directors meeting
noon.	City Council Members Meeting
1:30	City Council Meeting

Monday, July 19, 2004 in Conference Room 113

9 a.m.	City Council identifies & votes on tentative changes to the Mayor's Recommended Budget.
11 a.m.	Directors meeting
	City Council Members Noon meeting will follow Directors meeting

Tuesday, August 3, 2004 Publication of Budget Summary in media.

Monday, August 9, 2004 in City Council Chambers

5:30 p.m.	Public Hearing on the proposed Budget.
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Wednesday, August 11, 2004

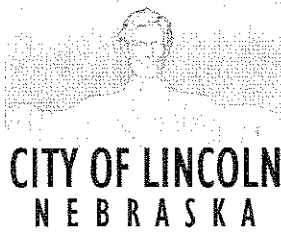
9 a.m.	City Council votes on changes to the Mayor's Recommended Budget.
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Monday, August 23, 2004 in City Council Chambers

1:30 p.m.	City Council adoption of Budget.
-----------	----------------------------------

Prior to September 15, 2004 County sets preliminary tax rate

Prior to October 15, 2004 City Council holds public hearing and adopts final tax rate



NEWS RELEASE

MAYOR COLEEN J. SENG



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

3140 N Street, Lincoln NE 68510 • Phone: 441-8000

Fax: 441-8323 or 441-6229

RECEIVED

MAY 17 2004

CITY COUNCIL
OFFICE

FOR IMMEDIATE RELEASE: May 14, 2004

FOR MORE INFORMATION: Scott E. Holmes, Division Manager - 441-8000

HEALTH DEPARTMENT AND CEMETARIES CRAFT SOLUTION TO MOSQUITO PROBLEMS

A local cemetery's concern for West Nile Virus has raised public awareness of the fact that mosquitos can breed in water in small containers, such as flower vases. "We applaud Lincoln Memorial Park for taking West Nile Virus seriously," said Scott E. Holmes, Manager of Environmental Public Health at the Lincoln-Lancaster County Health Department. "However, we did not intend our notice to cemeteries to result in the removal of flowers in properly packed vases. Lincoln Memorial did what they thought was being asked of them. They were trying to do the right thing." After researching the issue further, Health Department staff and local cemetery managers developed a simple solution that will allow flowers to remain on graves.

"We are asking every person that brings flowers to any cemetery to "pack" the vase correctly," said Steve Brunken, Lincoln Memorial Park General Manager. For silk flowers 'silk' foam should be used and for live flowers 'wet' foam should be used. The foam should completely fill the container so that there will be no room for water to collect in the vase. "We believe this is a very workable solution and will prevent mosquito breeding, thus reducing West Nile Virus," Holmes said.

"The rains this week have created many potential breeding sites for mosquitos," said Holmes, "We need all our friends and neighbors to look in their own backyards and dump every water holding container, clean their gutters, and eliminate any standing water."

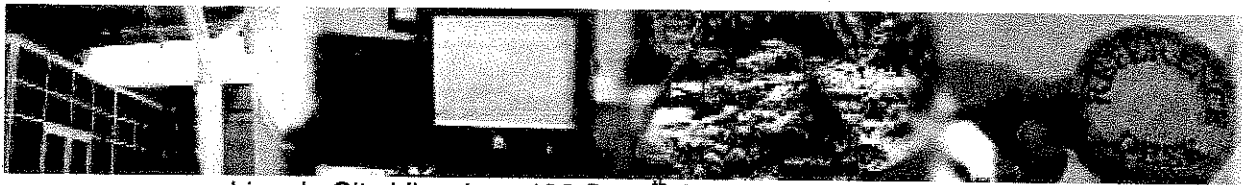
Any thing that will hold water, such as plugged rain gutters, buckets, children's toys, and garbage can lids can quickly become a mosquito breeding site. Adult mosquitos will lay eggs on the water, and with warm temperatures, it takes less than one week for hundreds of mosquitos to be produced from something as small as a drink cup or a small play pail.

"The key is to act now, before mosquitos grow into adults," said Holmes. "If everyone in Lincoln will take a few minutes this weekend to look around their property and eliminate standing water and containers that can collect water, we know it will keep mosquito numbers down. The fewer mosquitos we have, the less likely some one in your family is going to get sick from West Nile Virus." Last year, 129 people developed West Nile Disease in Lancaster County, with the vast majority of those in the City of Lincoln.

For more information on West Nile Virus, actions you can take to prevent mosquitos from breeding, and how to use insect repellant safely, go the following website:

<http://interlinc.ci.lincoln.ne.us/city/health/environ/westnile.htm>

This website also has links to the Nebraska Department of Health and Human Services and the U.S. Centers for Disease Control and Prevention web sites on West Nile Virus.



Lincoln City Libraries - 136 S. 14th Street, Lincoln, NE 68508

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MAY 17 2004
CITY COUNCIL
OFFICE

DIRECTOR'S REPORT

April 2004

System wide circulation decreased this month 3.22% in comparison to April 2003. However, year-to-date circulation has increased 2.54%. The number of reference transactions increased 3.98% this month.

Teen Night, a special young adult event, the evening of April 25th at Anderson Branch Library was successful. This program was suggested by Anderson Branch's teen advisory group. At Bennett Martin Public Library, 120 children from Pines preschool visited the library in four different groups over two days. Several of the children received their first library card. A group of 12 Head Start children and parents heard a story during their Saturday visit to Bennett Martin Public Library. Also, staff visited the City Mission to talk to residents about library services. Staff also spoke to a group of young mothers at Northeast Family Center about the importance of reading to children.

This year electronic filing of tax returns was very popular. Volunteer Income Tax Assistance (VITA) volunteers, with computer support from Lincoln City Libraries, were able to assist the public at Bennett Martin Public Library and Eiseley Branch to file tax returns electronically. The AARP coordinated sites at Gere and Walt branch libraries continue to be very popular also.

The annual recognition of library volunteers was held on April 25th. Special recognition was given to Joan Flynn, Mildred Lonsdale, Phyllis Maurer and Les Williams for their ten years of volunteer service at Gere Branch Library.

The April 17th conference for readers of the romance genre, co-sponsored by Lincoln City Libraries and Omaha Public Library with support from Lincoln City Library Foundation, was quite successful. There were 80 people in attendance and the evaluations were overwhelmingly positive.

The 10th annual In-Service Training Day (April 30th) was a major success. Staff were engaged, enthused and energized. Cate McNeely, a librarian from Vancouver, British Columbia, gave an outstanding presentation on libraries of the future. She provided inspiration as well as practical actions to improve customer service within limited resources.

LIBRARY BOARD MEETING; Tuesday, May 18, 2004; 8:00 a.m., Board Room, Bennett Martin Public Library, 136 So. 14th Street, Lincoln, Nebraska.

Lincoln City Libraries - April 2004 Statistics

Branch	Adult Print Loans	Youth Print Loans	Adult NonPrint Loans	Youth NonPrint Loans	Sub Total	TeleCirc Renewals	2004 Loan Total	2003 Loan Total	% Change
BMPL	19,399	6,163	7,563	2,017	35,142	5,341	40,483	41,572	-2.62%
Anderson	5,842	3,517	1,326	1,035	11,720	1,913	13,633	15,275	-10.75%
Arnold Heights	155	576	96	240	1,067	62	1,129	1,035	9.08%
Bethany	2,679	2,019	453	667	5,818	1,060	6,878	7,156	-3.88%
Eiseley	12,189	14,597	3,591	5,260	35,637	1,691	37,328	37,950	-1.64%
Gere	26,330	24,200	7,675	6,758	64,963	7,093	72,056	73,201	-1.56%
South	4,600	2,923	1,043	920	9,486	1,994	11,480	11,406	0.65%
Walt	10,835	15,776	3,265	4,956	34,832	1,055	35,887	41,228	-12.95%
Bookmobile	517	797	159	219	1,692	142	1,834	1,934	-5.17%
Outreach	1,175	19	206	14	1,414	45	1,459	1,672	-12.74%
SubTotal	83,721	70,587	25,377	22,086	201,771	20,396	222,167	232,429	-4.42%
OPAC	0	0	0	0	0	0	12,642	10,199	23.95%
GRAND TOTAL	83,721	78,587	25,377	22,086	209,771	20,396	234,809	242,628	-3.22%

Computer Use/Assist	16,894	14,968	12.87%
Reference Transactions	25,609	24,629	3.98%
Polley Music Loans	910	1,107	-17.80%
Polley Music Reference	3,546	3,570	-0.67%
Youth Program Attendance	3,791	3,071	23.45%
Web Activity Successful Hits Entire Site	1,307,438	1,085,522	20.44%

Registrations	Resident	151,269	152,271	-0.66%
	County	11,641	11,031	5.53%
	Non Resident	2,511	2,686	-6.52%
	ILL	1,639	1,751	-6.40%
	Reciprocal	238	237	0.42%
	Limited Use	4,642	3,880	19.64%
		171,940	171,856	0.05%

	Holdings	Books	DVDs	CD-ROMs	Sound Recordings	Videos	Verticle File	GRAND TOTAL
Prior Mont		890,700	3,868	6,571	59,565	34,449	52,323	1,047,476
Added		9,976	123	108	708	449	79	11,443
Withdrawn		6,331	16	50	733	153	104	7,387
Current		894,345	3,975	6,629	59,540	34,745	52,298	1,051,532

LINCOLN CITY LIBRARIES

Monthly Categorical Report

April 30, 2004

	Budget Amount	Budgeted Year-to-Date	Expended Year-to-Date	Balance	Current Month Expended
Administration					
Personnel	\$ 549,636.00	\$ 366,424.00	\$ 381,023.81	\$ 168,612.19	\$ 54,897.38
Supplies	42,900.00	28,600.00	25,651.70	17,248.30	4,328.66
Other Services & Charges	67,634.00	45,089.33	49,703.57	17,930.43	8,899.35
Capital Outlay	-	-	-	-	-
Total	\$ 660,170.00	\$ 440,113.33	\$ 456,379.08	\$ 203,790.92	\$ 68,125.39
Percent Expended		66.67%	69.13%		
Buildings & Grounds					
Personnel	\$ 234,213.00	\$ 156,142.00	\$ 158,964.51	\$ 75,248.49	\$ 24,825.06
Supplies	28,320.00	18,880.00	18,878.06	9,441.94	2,274.01
Other Services & Charges	642,838.00	428,558.67	365,157.23	277,680.77	49,657.98
Capital Outlay	20,000.00	13,333.33	15,447.00	4,553.00	-
Total	\$ 925,371.00	\$ 616,914.00	\$ 558,446.80	\$ 366,924.20	\$ 76,757.05
Percent Expended		66.67%	60.35%		
Public Service					
Personnel	\$ 2,779,547.00	\$ 1,853,031.33	\$ 1,863,406.88	\$ 916,140.12	\$ 296,374.03
Supplies	67,430.00	44,953.33	49,928.26	17,501.74	10,678.56
Other Services & Charges	46,200.00	30,800.00	18,516.55	27,683.45	2,852.58
Capital Outlay	-	-	-	-	-
Total	\$ 2,893,177.00	\$ 1,928,784.67	\$ 1,931,851.69	\$ 961,325.31	\$ 309,905.17
Percent Expended		66.67%	66.77%		
Support Services					
Personnel	\$ 656,579.00	\$ 437,719.33	\$ 453,742.33	\$ 202,836.67	\$ 72,518.50
Supplies	26,000.00	17,333.33	14,496.88	11,503.12	3,914.41
Other Services & Charges	83,904.00	55,936.00	41,869.38	42,034.62	2,858.18
Capital Outlay	770,000.00	513,333.33	652,679.26	117,320.74	49,429.24
Total	\$ 1,536,483.00	\$ 1,024,322.00	\$ 1,162,787.85	\$ 373,695.15	\$ 128,720.33
Percent Expended		66.67%	75.68%		
Inf. Svcs. & Technology					
Personnel	\$ 865,350.00	\$ 576,900.00	\$ 575,850.61	\$ 289,499.39	\$ 91,051.56
Supplies	40,000.00	26,666.67	24,146.29	15,853.71	3,996.67
Other Services & Charges	144,402.00	96,268.00	104,739.44	39,662.56	3,278.03
Capital Outlay	-	-	-	-	-
Total	\$ 1,049,752.00	\$ 699,834.67	\$ 704,736.34	\$ 345,015.66	\$ 98,326.26
Percent Expended		66.67%	67.13%		
Total Library Operational					
Personnel	\$ 5,085,325.00	\$ 3,390,216.67	\$ 3,432,988.14	\$ 1,652,336.86	\$ 539,666.53
Supplies	204,650.00	136,433.33	133,101.19	71,548.81	25,192.31
Other Services & Charges	984,978.00	656,652.00	579,986.17	404,991.83	67,546.12
Capital Outlay	790,000.00	526,666.67	668,126.26	121,873.74	49,429.24
Total	\$ 7,064,953.00	\$ 4,709,968.67	\$ 4,814,201.76	\$ 2,250,751.24	\$ 681,834.20
Percent Expended		66.67%	68.14%		

Encumbered & Reappropriated	Amount	Expended Year-to-Date	Balance	Current Month Expended
FY 2002-03 Encumbered	236,961.71	217,419.18	19,542.53	4,990.00

LINCOLN CITY LIBRARIES - FUND BALANCES

APRIL 2004

	Beginning Balance	Current Month Receipts	Expended	Ending Balance
<u>GRANTS</u>				
Net Lender Fund	\$ 85.53	\$ -	\$ 20.00	\$ 65.53
Children's Services Grant	2,287.00	-	-	2,287.00
State Aid 2002	435.95	-	435.95	-
State Aid 2003	25,702.42	-	6,626.35	19,076.07
State Aid 2004	38,676.08	-	-	38,676.08
LSTA 2004	-	-	689.70	(689.70)
Urban Library System 1994-95	6,233.27	-	-	6,233.27

SPECIAL FUNDS

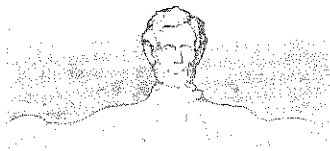
Library Bond Issue 1999 - Principal	\$ 851,842.34	\$ -	\$ 22,515.00	\$ 829,327.34
Library Bond Issue 1999 - Interest	107,072.03	978.15	-	108,050.18
Keno Fund	322,869.26	-	46,818.44	276,050.82
Miscellaneous Library Donations	78,026.49	4,571.10	6,393.25	76,204.34
Alice Nielson Bequest	233,193.38	237.87	-	233,431.25
Charles H. Gere Library Fund	113,729.60	116.01	-	113,845.61
Joseph J. Hompes Trust	42,395.17	42.49	50.91	42,386.75
Heritage Room Fund	55,874.00	58.76	1,704.38	54,228.38
Lillian Polley Trust Fund	305,157.35	323.22	14,160.95	291,319.62

HERITAGE ROOM

FY 2003-04 Operating Budget	Budget	Current Month Expended	Year-to-Date Expended	Balance
Personnel	\$ 30,828.00	\$ 1,704.38	\$ 18,429.44	\$ 12,398.56
Media & Unclassified	400.00	-	-	400.00
TOTAL	\$ 31,228.00	\$ 1,704.38	\$ 18,429.44	\$ 12,798.56

LILLIAN POLLEY

FY 2003-04 Operating Budget	Budget	Current Month Expended	Year-to-Date Expended	Balance
Personnel	\$ 126,521.00	\$ 13,554.19	\$ 85,682.42	\$ 40,838.58
Supplies	300.00	-	-	300.00
Other Services & Charges	1,934.00	-	500.35	1,433.65
Capital Outlay	10,000.00	606.76	5,525.29	4,474.71
TOTAL	\$ 138,755.00	\$ 14,160.95	\$ 91,708.06	\$ 47,046.94



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

Mary F. Bills-Strand, Chair
City-County Planning Commission

555 South 10th Street
Suite 213

Lincoln, Nebraska 68508
402-441-7491
fax: 402-441-6377

May 14, 2004

Richard Onnen
EDC
2200 Fletcher Avenue, Suite 102
Lincoln, NE 68521

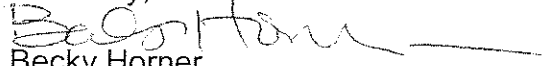
RE: Stone Bridge Creek 4th Addition Final Plat #03036

Dear Mr. Onnen,

Stone Bridge Creek 4th Addition was approved by the Planning Director on May 14, 2004. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at \$.50 per **existing** lot and per **new** lot and \$20.00 per plat sheet for the plat, and \$.50 per **new** lot and \$5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (date + 14 days), and the recording fee and signed subdivision agreement have been received.

Sincerely,


Becky Horner
Planner

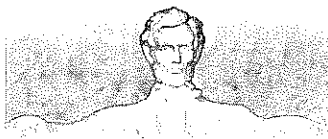
CC: Hampton Development Services
Joan Ray, City Council (14)
Dennis Bartels, Public Works & Utilities
Terry Kathe, Building & Safety
Sharon Theobald, Lincoln Electric
Jean Walker, Planning
File

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MAY 18 2004
CITY COUNCIL
OFFICE

F:\FILES\PLANNING\PC\FP\03000\FP03036.rdh.wpd

LINCOLN

The Community of Opportunity



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

Mary F. Bills-Strand, Chair
City-County Planning Commission

555 South 10th Street
Suite 213

Lincoln, Nebraska 68508

402-441-7491

fax: 402-441-6377

May 19, 2004

Mike Johnson
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

RECEIVED

MAY 20 2004

CITY COUNCIL
OFFICE

RE: Fallbrook 8th Addition Final Plat #03019

Dear Mr. Johnson,

Fallbrook 8th Addition was approved by the Planning Director on May 19, 2004. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at \$.50 per **existing** lot and per **new** lot and \$20.00 per plat sheet for the plat, and \$.50 per **new** lot and \$5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (date + 14 days), and the recording fee and signed subdivision agreement have been received.

Sincerely,

Becky Horner
Planner

CC: Joan Ray, City Council (14)
Dennis Bartels, Public Works & Utilities
Terry Kathe, Building & Safety
Sharon Theobald, Lincoln Electric
Jean Walker, Planning
File

F:\FILES\PLANNING\PC\FP\03000\FP03019.fallbrook8th.rdh.wpd

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning

DATE : May 13, 2004

RE : **Preliminary Plat No. 04004 - Big Thompson Creek 1st Addition**
(Northeast of South 56th Street and Yankee Hill Road)
Resolution No. PC-00865

RECEIVED
MAY 17 2004
CITY COUNCIL
OFFICE

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, May 12, 2004:

Motion made by Larson, seconded by Krieser, to approve **Preliminary Plat No. 04004, Big Thompson Creek 1st Addition**, with conditions, requested by Olsson Associates on behalf of Ridge Development Company, Southview, Inc. and Pine Lake Heights Joint Venture, for 336 lots and 5 outlots, including approval of the following waiver requests:

1. Transfer of sewage from one drainage basin to another.
2. Lot lines not perpendicular to street rights-of-way.
3. Sanitary sewer to flow opposite street grades.
4. Block lengths in excess of 1,320'.
5. Block length in excess of 1,000' without a pedestrian sidewalk.
6. Right-of-way less than 120' in width for South 56th Street.
7. Lots less than 120' deep abutting an arterial street.
8. Platform slopes at intersections in excess of 3%.
9. A lot exceeding the width to depth ratio.
10. Sanitary sewer exceeding maximum depth.

on property generally located northeast of South 56th Street and Yankee Hill Road. Motion for approval, with conditions, carried 8-1: Larson, Marvin, Carroll, Sunderman, Carlson, Taylor, Krieser, and Bills-Strand voting 'yes'; Pearson dissenting.

The Planning Commission action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Danay Kalkowski
Mark Palmer, Olsson Associates
Ridge Development Company, Southview, Inc., and Pine Lake Heights Joint Venture
Northwoods, L.L.C.
Yankee Ridge Neighborhood Association
Family Acres Assn.
Country Acres Neighborhood Association
Gary Hergenrader, 5701 Yankee Hill Road
John Griffin, 8500 South 56th Street
Dick Harr, 5801 Yankee Hill Road
Gary Carstens, 6001 Yankee Hill Road
Leland Osten, 6151 Yankee Hill Road

RESOLUTION NO. PC- 00865

1 WHEREAS, Ridge Development Company, Southview Inc., Pine Lake Heights, and
2 Northwoods LLC have submitted for approval the preliminary plat of Big Thompson Creek 1st
3 Addition, generally located northeast of South 56th Street and Yankee Hill Road and have
4 requested a modification to waive City of Lincoln Design Standards and the Land Subdivision
5 Ordinance requirements regarding the transfer of sewage from one drainage basin to another,
6 lot lines not perpendicular to street right-of-way, sanitary sewer to flow opposite street grades,
7 block lengths in excess of 1,320 feet, right-of-way less than 120 feet in width, lots less than 120
8 feet deep, platform slopes at intersections in excess of 3%, a lot exceeding the width-to-depth
9 ratio, and sanitary sewer exceeding maximum depth; and

10 WHEREAS, the Planning Director has recommended conditional approval of the
11 preliminary plat as contained in pages 6 through 9 of the staff report prepared by Brian Will,
12 Planner, dated April 27, 2004, which pages are attached hereto as Exhibit A; and

13 WHEREAS, the Planning Director has recommended approval of the requested
14 waivers of the Lincoln Design Standards and the Lincoln Municipal Code.

15 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
16 Planning Commission that the preliminary plat of Big Thompson Creek 1st Addition is hereby
17 accepted and approved subject to the terms and conditions set forth in Exhibit A which is
18 attached hereto and made a part of this resolution as though fully set forth verbatim.

19 BE IT FURTHER RESOLVED that the Lincoln City-Lancaster County Planning
20 Commission finds that the tract to be subdivided is surrounded by such development or unusual
21 conditions that strict application of the subdivision requirements would result in actual difficulties
22 or substantial hardship and the following modifications to the City of Lincoln Design Standards
23 and Land Subdivision Ordinance requirements are hereby approved:

1 1. The requirement of Section 2.1 of the Sanitary Sewer Design Standards
2 prohibiting the transfer of wastewater from one watershed to another is waived.

3 2. The requirement of Section 26.23.140(c) of the Lincoln Municipal Code that the
4 side lot lines of any lot shall be at right angles to the street is waived for those lots shown on the
5 preliminary plat which do not meet this standard.

6 3. The requirement of Section 3.6 of the Sanitary Sewer Design Standards that the
7 slope of the sanitary sewer should parallel the slope of the street is waived to allow the
8 construction of sanitary sewer running opposite street grades.

9 4. The requirement of Section 26.23.130 of the Lincoln Municipal Code that the
10 block lengths shall not exceed 1,320 feet is waived between Thompson Creek Blvd. and Bridle
11 Lane

12 5. The requirement of Section 26.23.040(b) of the Lincoln Municipal Code that the
13 right-of-way width for South 56th Street be 120 feet is waived to allow a right-of-way width of
14 less than 120 feet.

15 6. The requirement of Section 26.23.140 of the Lincoln Municipal Code that
16 residential lots abutting a major street shall have a minimum depth of 120 feet is waived to
17 allow a lot depth of less than 120 feet for Lots 11, 12, and 13, Block 10.

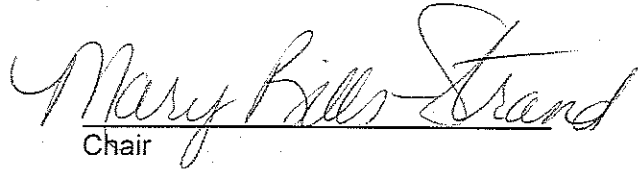
18 7. The requirement of Section 3.4.3.a. of the Urban Public Street Design Standards
19 that the grade of any street approaching a major street shall not exceed 3% is waived for Cavy
20 Road at its intersection with South 56th Street.

21 8. The requirements of the Section 26.23.140 of the Lincoln Municipal Code that a
22 lot shall have a maximum depth of three times its width is waived for Lot 4, Block 1.

23 9. The requirement of Section 3.6 of the Sanitary Sewer Design Standards that the
24 sanitary sewer depths not exceed 15 feet is waived to allow portions of the sewer to exceed that
25 depth.

1 The foregoing Resolution was approved by the Lincoln City-Lancaster County
2 Planning Commission on this 12th day of May, 2004.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

coun/planning commission/pp 04004 Thompson Creek 1st

12. Other required minor revisions/additions to the plans include the following:
 - A. The proposed standard cross-section for South 56th Street must indicate sidewalks on both sides of the street.
 - B. Include a proposed cross-section for Yankee Hill Road.
13. Additional easements are required as noted in the L.E.S. review. The plans must be revised to show them.

CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval. (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Remove the median openings at Bridle Lane and South 59th Street.
 - 1.1.2 A general note that states that the neighborhood connector trail will be privately built and maintained.
 - 1.1.3 The following note added to the general notes : "NO BUILDING PERMITS SHALL BE ISSUED FOR LOTS THAT ARE LOCATED SOUTH OF THE CENTERLINE OF BRIDLE LANE UNTIL CONSTRUCTION HAS COMMENCED ON PHASE 1 OF THE BEAL SLOUGH TRUNK SEWER RELIEF PROJECT."
 - 1.1.4 A note added to the general notes stating that the pedestrian sidewalk between Lots 10 and 11, Block 5 will comply with ADA standards.
 - 1.1.5 Additional easements required by the L.E.S. review.
 - 1.1.6 A proposed cross-section for Yankee Hill Road, and a corrected proposed cross-section for South 56th Street.
2. The Planning Commission approves associated requests:
 - 2.1 An exception to the design standards to permit transfer of sewage from one drainage basin to another; sanitary sewer to flow opposite street grades; platform slopes at intersections in excess of 3%; sanitary sewer exceeding maximum depth.
 - 2.2 A modification to the requirements of the land subdivision ordinance to permit lot lines not perpendicular to street rights-of-way; block length in excess of 1,320'; right-of-way less than 120' in width for South 56th Street;

lots less than 120' deep abutting an arterial street; and, a lot exceeding the width to depth ratio.

3. The City Council approves associated requests:

3.1 Annexation #04007 and Change of Zone #04009.

General:

4. Final Plats will be approved by the Planning Director after:

4.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.

4.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

4.2.1 to complete the street paving of streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of all streets as shown on the final plat within four (4) years following the approval of the final plat, except the sidewalks in the pedestrian way easements shall be constructed at the same time as the adjacent streets are paved.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainage way improvements to serve this plat prior

to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees within this plat within four (4) years following the approval of the final plat.

to complete the screens along South 56th Street and Yankee Hill Road within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the preliminary plat.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the required screens.

to submit to the lot buyers and home builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs except those cost the City Council specifically subsidizes.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to construct the sidewalk in the pedestrian way easement between Lots 10 and 11, Block 5 at the same time as Upton Grey Lane is paved and to agree that no building permit shall be issued for construction on these two lots until such time as the sidewalk in the pedestrian way easement is constructed.

to perpetually maintain the sidewalks in the pedestrian way easements and the neighborhood trail connector at their own cost and expense.

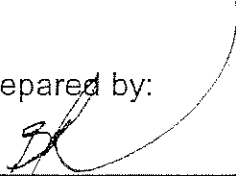
to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access from South 56th Street and Yankee Hill Road except as shown.

to timely complete the pubic and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.

to post the required security to guarantee completion of the required improvements if the improvements are not competed prior to approval of the final plat.

Prepared by:



Brian Will, AICP, 441-6362, bwill@ci.lincoln.ne.us
Planner
April 27, 2004

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning

DATE : May 13, 2004

RE : **Preliminary Plat No. 04006 - Brandt Heights 1st Addition**
(South 84th Street and South Street)
Resolution No. PC-00864

RECEIVED
MAY 17 2004
CITY COUNCIL
OFFICE

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, May 12, 2004:

Motion made by Carlson, seconded by Carroll, to approve **Preliminary Plat No. 04006, Brandt Heights 1st Addition**, with conditions, requested by Associated Engineering & Surveying on behalf of Ron Tonniges, for 11 residential lots and 1 outlot, including approval of waiver requests to allow transfer of sanitary sewer from one drainage basin to another; construction of sanitary sewer opposite street grades; allow side lot lines not radial to the street; and to waive the improvements to South Street, on property generally located at South 84th Street and South Street. Motion for approval, with conditions, carried 9-0: Larson, Marvin, Carroll, Sunderman, Carlson, Taylor, Krieser, Pearson and Bills-Strand voting 'yes'.

The Planning Commission action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Paula Dicero, Associated Engineering
Ron Tonniges

RESOLUTION NO. PC- 00864

1 WHEREAS, Ron Tonniges has submitted for approval the preliminary plat of Brandt
2 Heights 1st Addition, generally located at S. 84th Street and South Street and has requested a
3 modification to waive City of Lincoln Design Standards and Land Subdivision Ordinance
4 requirements for the transfer of sanitary sewer from one drainage basin to another, sanitary
5 sewers running opposite street grades, lot lines being radial to the street, and required street
6 improvements; and

7 WHEREAS, the Planning Director has recommended conditional approval of said
8 preliminary plat as contained in pages 4 through 8 of the staff report prepared by Tom Cajka,
9 Planner, dated April 28, 2004, which pages are attached hereto, marked as Exhibit "A"; and

10 WHEREAS, the Planning Director has recommended conditional approval of the
11 requested waivers of the City of Lincoln Design Standards and Land Subdivision Ordinance.

12 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
13 Planning Commission that the preliminary plat of Brandt Heights 1st Addition is hereby
14 accepted and approved subject to the terms and conditions set forth in Exhibit A which is
15 attached hereto and made a part of this resolution as if fully set forth verbatim.

16 BE IT FURTHER RESOLVED that the Lincoln City-Lancaster County Planning
17 Commission finds that the tract to be subdivided is surrounded by such development or unusual
18 conditions that strict application of the subdivision requirements would result in actual difficulties
19 or substantial hardship and the following modifications to the City of Lincoln Design Standards
20 and Land Subdivision Ordinance requirements are hereby approved:

21 1. The requirement of Section 2.1 of the Sanitary Sewer Design Standards
22 prohibiting the transfer of wastewater from one watershed to another is waived to allow the
23 transfer of sanitary sewer from one drainage basin to another.


1 2. The requirement of Section 3.6 of the Sanitary Sewer Design Standards that the
2 slope of the sanitary sewer should parallel the slope of the street is waived to allow the
3 construction of sanitary sewer running opposite street grades, provided the design does not
4 create sewer depths in excess of the maximum and minimum allowable depths.

5 3. The requirement of Section 26.23.140(c) of the Lincoln Municipal Code that the
6 side lot lines of any lot shall be at right angles to the street is waived for those lots shown on the
7 preliminary plat which do not meet this standard.


8 4. The requirement of Section 26.27.010 of the Lincoln Municipal Code that all
9 streets abutting a new subdivision shall be paved with curb and gutters is waived for South
10 Street until such time as Outlot A is developed or South Street is constructed pursuant to a
11 paving district, provided that the applicant agrees to not object to the creation of such paving
12 district.

13 The foregoing Resolution was approved by the Lincoln City-Lancaster County
14 Planning Commission on this 12th day of May, 2004.

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

coun/planning commission/pp 4006 BrandtHeights 1st

Preliminary Plat 04006PAGE NO. 4

3. This subdivision is outside the City limits, but is within the Future Service Limit. An annexation request has been submitted.
4. The area of the outlot is designated as Tier 1-Priority B in the 2025 Comprehensive Plan. Infrastructure improvements to serve this area could be expected in 12 to 25 years after adoption of the Plan.
5. The waiver request for sanitary sewers running opposite street grades is acceptable to Planning Department and Public Works & Utilities Department provided the design does not create sewer depths in excess of the maximum and minimum allowable depths.
6. The applicant has requested a waiver to improvements on South St. South St is a county half-section line road that has not been constructed. The waiver is acceptable to Planning provided the applicant does not object to any future paving district or until such time as Outlot "A" is developed.

CONDITIONS:**Site Specific:**

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Extend Norval Rd. 30' to provide access to Outlot A. Outlot A must be a minimum of 20 acres to remain zoned agriculture.
 - 1.1.2 Delete waiver #4. Lot frontage is a zoning requirement and cannot be waived.
 - 1.1.3 Add the waiver of improvements to South St. to the General Notes.
 - 1.1.4 Correct the scale on Sheet 3.
 - 1.1.5 The proposed street layout on Outlot A is unacceptable. Revise the street layout to facilitate the platting of lots for Outlot A.

- 1.1.6 Show a street pattern that will accommodate subdivision of the property to the north. Show a street connection to Stonyhill Rd.
- 1.1.7 Make corrections per Public Works & Utilities Department report of April 28, 2004.
- 1.2 File an application to change the street name, Pinedale Ave. to Pinedale Ct. on the existing section of Pinedale Ave. east of S. 84th St.
- 2. The City Council approves associated request:
 - 2.1 Annexation #04006
 - 2.2 Change of Zone #04010
 - 2.3 A modification to the requirements of the land subdivision ordinance to permit:
 - The transfer of sanitary sewer from one drainage basin to another.
 - Construction of sanitary sewer running opposite street grades.
 - Side lot lines not radial to the street.
 - A waiver to improvements to South St

General:

- 3. Final Plats will be approved by the Planning Director after:
 - 3.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

to complete the street paving of Norval Rd. and Pinedale Ct. and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of Norval Rd. and Pinedale Ct. as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the installation of public street lights along Norval Rd. and Pinedale Ct. within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along Norval Rd. and Pinedale Ct. within this plat within four (4) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of temporary turnarounds and barricades located at the temporary dead-end of the street or post a surety to guarantee the installation. The installation is to be completed within two years following the Planning Commission's approval of this final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the preliminary plat.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance.

The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to submit to the lot buyers and home builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development.

to timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.

to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.

to inform potential property owners that if the houses have basements, an individual sewage ejector pump will most likely be necessary.

to not object to any future paving district for South St.

Prepared by:

Tom Cajka

Tom Cajka, 441-5662, tcajka@ci.lincoln.ne.us
Planner

DATE: April 28, 2004

APPLICANT: Ron Tonniges
4620 Pioneer Green Ct.
Lincoln, NE 68526
(402) 432-1207

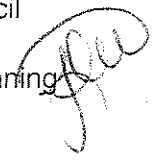
OWNER: same as applicant

CONTACT: Paula Dicero
Associated Engineering & Surveying
1232 High St. Suite 3
Lincoln, NE 68502
(402) 441-5790

I:\PC\PP\04000\PP04006.brandt heights.tjc.wpd

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : May 14, 2004

RE : **Preliminary Plat No. 04009 - Stevens Creek Ridge 1st Addition**
(North 134th and Holdrege Streets)
Resolution No. PC-00863

RECEIVED
MAY 17 2004
CITY COUNCIL
OFFICE

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, May 12, 2004:

Motion made by Larson, seconded by Carroll, to approve **Preliminary Plat No. 04009, Stevens Creek Ridge 1st Addition**, with conditions, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, for 10 lots, including approval of the requests to waive ornamental lighting, sidewalks, street trees, landscape screens and block length, on property generally located at N. 134th and Holdrege Streets. Motion for approval, with conditions, carried 8-0: Larson, Marvin, Carroll, Sunderman, Carlson, Taylor, Pearson and Bills-Strand voting 'yes'; Krieser declaring a conflict of interest.

The Planning Commission action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Brian D. Carstens and Associates
Gerry and Dianne Krieser

RESOLUTION NO. PC- 00863

1 WHEREAS, Gerry and Dianne Krieser have submitted the preliminary plat of
2 Stevens Creek Ridge 1st Addition for acceptance and approval and have requested a
3 modification to waive Land Subdivision Ordinance requirements regarding ornamental lighting,
4 sidewalks, street trees, landscape screens and block lengths pursuant to Section 26.31.010 of
5 the Lincoln Municipal Code; and

6 WHEREAS, the Planning Director has recommended conditional approval of
7 said preliminary plat as contained in pages 6 through 8 of the staff report prepared by Mike
8 DeKalb, Planner, dated May 3, 2004, which pages are attached hereto as Exhibit "A"; and

9 WHEREAS, the Planning Director has recommended approval of the requested
10 waivers; and

11 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
12 Planning Commission that the preliminary plat of Stevens Creek Ridge 1st Addition, located
13 generally at N. 134th Street and Holdrege Street as submitted by Gerry and Dianne Krieser is
14 hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A",
15 which is attached hereto and made a part of this resolution as though fully set forth verbatim.

16 BE IT FURTHER RESOLVED that the Lincoln City-Lancaster County Planning
17 Commission finds that the tract to be subdivided is surrounded by such development or unusual
18 conditions that strict application of the subdivision requirements would result in actual difficulties
19 or substantial hardship and the following modifications to the Land Subdivision Ordinance
20 requirements are therefore approved:

21 1. The requirements of Sections 26.27.020, 26.27.070, 26.27.080, and
22 26.27.090 of the Lincoln Municipal Code regarding the installation of sidewalks, ornamental

1 street lights, landscape screens, and the planting of street trees are waived pursuant to Section
2 26.31.010 based upon the rural nature of the proposed development and its location outside the
3 corporate limits.


4 2. The requirement of Section 26.23.130 of the Lincoln Municipal Code that
5 block lengths shall not exceed 1,320 feet is waived to allow the block length to exceed 1,320
6 feet along the north, east and west sides of the subdivision.

DATED: May 12, 2004.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

coun/planning commission/pp 04009

CONDITIONS FOR PRELIMINARY PLAT #04009

CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Remove Lots 9 and 10 and associated notes from the drawing and note that Lots 9 and 10 may be added administratively to the existing cluster or after Build - Through standards are in place.
 - 1.2 Revise note # 2 to reflect 10 lots.
 - 1.3 Make the corrections requested by the County Engineer in his letter of April 23/29, 2004 (If appropriate).

- 1.4 Add a note notifying the purchasers and owner of lot 8 that the area identified as future roadway must be dedicated as a public access easement for the extension of the private roadway at such time as Outlot A is subdivided into buildable lots.
 2. The Planning Commission approves associated requests:
 - 2.1 Exceptions to the Subdivision Ordinance;
Section 26.27.020 to wave sidewalks,
Section 26.27.090 to waive street trees,
Section 26.27.070 to waive street lighting,
Section 26.27.080 to waive landscape screens.
 - 2.2 A modification to Section 26.23.130 to exceed block length along the north, east and west side of the subdivision.
 3. The City Council approves associated requests
 - 3.1 Special Permit #1870A.
- General:
4. Final Plats will be scheduled on the Planning Commission agenda after:
 - 4.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, ornamental street lights, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been waived, completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.
 - 4.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 4.2.1 To submit to the Director of Public Works an erosion control plan.
 - 4.2.2 To protect the remaining trees on the site during construction and development.
 - 4.2.3 To pay all improvement costs.

- 4.2.4 To submit to lot buyers and home builders a copy of the soil analysis.
- 4.2.5 To continuously and regularly maintain the Outlots.
- 4.2.6 To complete the private improvements shown on the preliminary plat and community unit plan.
- 4.2.7 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 4.2.8 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.
- 4.2.9 To notify the purchasers and owner of lot 8 that the area identified as a future roadway must be dedicated as a public access easement for the extension of the private roadway at such time as Outlot A is subdivided into buildable lots.

Prepared by:

Mike DeKalb, AICP 441-6370, mdekalb@ci.lincoln.ne.us
Planner
May 3, 2004

CONTACT:

Brian D. Carstens
Brian D. Carstens and Associates
2935 Pine Lake Road, Suite H
Lincoln, NE 68516
(402) 474 - 2424

DEVELOPER:

Gerry A. Krieser
5212 Troon Drive
Lincoln, NE 68526
(402) 327-0521

OWNER:

Gerry A. and Dianne Krieser
5212 Troon Drive
Lincoln, NE 68526
(402) 327-0521

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning

DATE : May 14, 2004

RE : **Preliminary Plat No. 01012 - West Park 2nd Addition**
(S.W. 15th Court and West "A" Street)
Resolution No. PC-00862

RECEIVED
MAY 17 2004
CITY COUNCIL
OFFICE

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, May 12, 2004:

Motion made by Sunderman, seconded by Larson, to approve **Preliminary Plat No. 01012, West Park 2nd Addition**, with conditions, requested by Brian D. Carstens and Associates on behalf of West Park, L.L.C., for 19 residential lots and 1 lot for an early childhood care facility, including approval of the following waiver requests:

1. Lot depth to be less than 120' for lots that back on to West "A" St.
2. Improvements to urban standards for West "A" St.
3. Sanitary sewer running opposite street grades in West "B" Ct.
4. Turnaround meeting design standards in West "B" Ct.
5. The connection of West "B" Ct. to West "B" St.

on property generally located at S.W. 15th Court and West "A" Street. Motion for approval, with conditions, carried 8-1: Larson, Marvin, Carroll, Sunderman, Taylor, Carlson, Krieser, and Bills-Strand voting 'yes'; Pearson dissenting.

The Planning Commission action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Brian Carstens and Associates
Kent Thompson, West Park, L.L.C.
Richard Mackey, West Park Homeowners Assn., 1505 West B Court, 68522
Mika Pearson and Verna Pearson, 1641 West B, 68522

PP 01012PAGE NO. 4**ANALYSIS:**

1. This request is to preliminary plat 20 lots, 19 lots for residential and one lot for a early childhood care facility. Thirteen of the residential lots and the day care lot were previously platted.
2. The applicant is requesting a waiver for lot depth to be less than 120' for lots backing onto West "A" St. The Planning Department does not object to this waiver. This waiver would allow the new dwellings to be in line with the existing dwellings.
3. The applicant is requesting a waiver to improvements along West "A" St. The preliminary plat for West Park 1st Addition granted a waiver to requiring curb and gutters along West "A" St. The Planning Department does not object to this waiver.
4. The waiver request to the design standards for permanent turnarounds on West "B" Ct. is acceptable to Planning Department. Fifteen dwelling units will take access from West "B" Ct. A cul-de-sac meeting design standards would require construction within the mitigated wetlands area.

CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Correct note 7 to change "West Park Court" to "West B Ct."
 - 1.1.2 Add the following note: "The conversion plan for the early childhood care facility allows a maximum of 10 dwelling units."
 - 1.1.3 Add to the Requested Waivers a waiver to turnaround meeting City design standards in West "B" Ct.
 - 1.1.4 Identify the mitigation areas within the boundaries of a conservation easement.

1.1.5 Additional information and revisions regarding grading & drainage and flooding as requested by the Public Works Department.

2. The Planning Commission approves associated request:

2.1 A modification to the requirements of the land subdivision ordinance to permit West "B" Ct without a turnaround meeting City design standards, lot depth to be less than 120' for lots that back on to West "A" St., improvements to urban standards for West "A" St. and sanitary sewer running opposite street grades in West "B" Ct.

General:

3. Final Plats will be approved by the Planning Director after:

3.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.

3.2. You must agree:

To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

To complete the private improvement shown on the preliminary plat.

To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

To continuously and regularly maintain the street trees along the private roadways and landscape screens.

RESOLUTION NO. PC- 00862

1 WHEREAS, Kent Thompson has submitted for approval the preliminary plat of West
2 Park 2nd Addition, generally located at S.W. 15th Court and West A Street and has requested
3 a modification to waive City of Lincoln Design Standards and Land Subdivision Ordinance
4 requirements regarding lot depth, street improvements due to urban standards, sanitary sewers
5 running opposite street grades, turnarounds and connection of West B Court to West B Street
6 pursuant to Section 26.31.010 of the Lincoln Municipal Code; and

7 WHEREAS, the Planning Director has recommended conditional approval of said
8 preliminary plat as contained in pages 4 through 6 of the staff report prepared by Tom Cajka,
9 Planner, dated April 23, 2004, which is attached hereto as Exhibit A; and

10 WHEREAS, the Planning Director has recommended approval of the requested
11 waivers of the City of Lincoln Design Standards and Land Subdivision Ordinance requirements.

12 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
13 Planning Commission that the preliminary plat of West Park 2nd Addition is hereby approved
14 subject to the terms and conditions of Exhibit A which is attached hereto and made a part of
15 this resolution as though fully set forth verbatim.

16 BE IT FURTHER RESOLVED that the Lincoln City-Lancaster County Planning
17 Commission finds that the tract to be subdivided is surrounded by such development or unusual
18 conditions that strict application of the subdivision requirements would result in actual difficulties
19 or substantial hardship and the following modifications to the City of Lincoln Design Standards
20 and Land Subdivision Ordinance requirements are hereby approved:

21 1. The requirement of Section 26.23.140 of the Lincoln Municipal Code that
22 residential lots abutting a major street shall have a minimum depth of 120 feet is waived to
23 allow lot depth to be less than 120 feet for lots that back on to West A Street.

1 2. The requirement of Section 26.27.010 of the Lincoln Municipal Code that all
2 streets abutting a new subdivision shall be paved with curb and gutters is waived for West A
3 Street.

4 3. The requirement of Section 3.6 of the Sanitary Sewer Design Standards that the
5 slope of the sanitary sewer should parallel the slope of the street is waived to allow the
6 construction of sanitary sewer running opposite street grades in West B Court.

7 4. The requirements of the Land Subdivision Ordinance and City of Lincoln Design
8 Standards that West B Court be connected to West B Street is waived to allow West B Court to
9 be constructed as a permanent deadend private roadway that does not meet standard radius
10 turnaround in order to avoid construction within the mitigated wetlands area.

11 The foregoing Resolution was approved by the Lincoln City-Lancaster County
12 Planning Commission on this 12 day of May, 2004.

ATTEST:

/S/ Original signed by
Mary Bills-Strand

Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

J:\COUN\Planning Commission\PP 01012 West Park 2nd.wpd

To submit to the lot buyers and builders a copy of the soil analysis.

To pay all improvement costs.

To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

To relinquish the right of direct vehicular access from Lots 7-8 to West "A" Street.

To perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.

Prepared by:

Tom Cajka

Tom Cajka, 441-5662, tcajka@ci.lincoln.ne.us
Planner

DATE: April 23, 2004

APPLICANT: Kent Thompson
West Park L.L.C.
6800 S. 32nd St. Suite C
Lincoln, NE 68516
(402) 421-7700

OWNER: same as applicant

CONTACT: Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Rd. Suite C
Lincon, NE 68512
(402) 434-2424



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Public Works and Utilities Department
Allan Abbott, Director
555 South 10th Street
Suite 203
Lincoln, Nebraska 68508
402-441-7548
fax: 402-441-8609

May 14, 2004

RECEIVED
MAY 17 2004
CITY COUNCIL
OFFICE

To Whom It May Concern:

Once authorization has been given to others to excavate within the City right-of-way, the Department of Public Works/Utilities is responsible for assuring proper compaction of excavation has been obtained. Unfortunately, it is apparent that an increasing number of these excavations are not being compacted as required by Title 14 of the Lincoln Municipal Code. When improper compaction is not corrected immediately, damage often extends beyond the disturbed area due to the intrusion of surface water. We are experiencing an increasing number of premature pavement failures, settlements under driveways, curbs, sidewalks, and other property damage because of improper compaction. This cannot continue to occur. While mechanical compaction and restoring a disturbed area to original contours may be more time consuming than "flooding" the trench or waiting for rainfall, it is the responsibility of the Contractor or agency who excavates for whatever reason, to compact the backfill properly (Reference Chapter 14.70 of the Lincoln Municipal Code and the Lincoln Standard Specifications for specific details).

Given the magnitude of the problem and the substantial cost being born by the taxpayer to correct the resulting damage, the Department of Public Works/ Utilities is taking the following actions:

1. We will be activating a segment on the City's Website, much like the pothole hotline, where anyone can report locations of either improper backfilling or settlements.
2. After deficiencies are verified, the person who was issued the excavation permit will be notified to restore the deficient area within 48 hours. If excavators do not respond to the notice for repair, actions will be taken to notify their bond holder of our intent to repair and the bill will then be sent to that bond holder. The excavator's right to work in our right-of-way will also be reviewed and the right to do subsequent work may be revoked.
3. The Lincoln Municipal Code also requires sewer and water service trenches on private property to be adequately compacted. "Flushing" or "flooding" trenches with water as a means of compaction is not acceptable in the City's right-of-way and will be discouraged when water from that activity on private property ends up in utility trenches. When settlements do occur on private property and extend into the public right-of-way, we will assume that the excavator has not fulfilled that responsibility and will proceed with the same actions as described in Item #2.

LINCOLN

The Community of Opportunity

To Whom it May Concern

May 14, 2004

Page 2

4. When damage occurs to pavement, sidewalk or driveways, the person that excavated last in the immediate area will be notified to execute repairs or show cause why they should not be held accountable.
5. A link has been created on the City's website whereby examples of poor compaction and the resultant damage can be displayed by excavator/agency responsible and the specific locations. The website is lincoln.ne.gov. Use backfill as your keyword.

These steps may seem drastic to a few but they are necessary in order to reduce the mounting maintenance costs to repair the damages that occur because proper compaction was not obtained.

Sincerely,



Allan L. Abbott

Director of Public Works/Utilities

cc: Mayor's Office
City Council
Building & Safety
Planning
Urban Development
Parks



Joan V Ray

05/14/2004 02:20 PM

To: JON CLEAL <jacleal@flash.net>
cc: council@ci.lincoln.ne.us
Subject: Re: New Taxes Proposed for Lincoln

Dear Mr. Cleal: Your message has been received in the Council Office and the Council Members will give your concerns their full consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us

JON CLEAL <jacleal@flash.net>

RECEIVED
MAY 14 2004
CITY COUNCIL
OFFICE



JON CLEAL
<jacleal@flash.net>

05/14/2004 02:19 PM

To: council@ci.lincoln.ne.us
cc:
Subject: New Taxes Proposed for Lincoln

City Council of Lincoln,

I attended the first meeting last night for "discussion on the future of Lincoln's infrastructure". I am very disappointed it turned out to be a disguised meeting on new taxes for Lincoln's residents. If Mayor Seng and the Council want to raise taxes for Lincoln, they should come out and SAY they want to raise taxes. I would hope the advertising being done for these forums would be changed immediately to let the public clearly know the discussions will be on raising taxes, not on the projects themselves. I also don't like the way the city officials running the meeting tried to steer the group into voting for "the new tax of your choice" without recording who doesn't want any of the new taxes. The whole process seems to be trying to fool the public and mislead us about what the city really wants to do; raise taxes.

The information presented at this meeting only told me the city has again planned projects without having the funding available. They talked about the "future of Lincoln", but none of the projects were ones to bring in new business or jobs. I strongly disagree with the Antelope Creek project for downtown and am not happy that this project has gone ahead without having a way to pay for it. It is wrong to close off the neighborhood to the Northeast of downtown and it will do little or nothing for Lincoln's economy.

The economy in Lincoln is still not doing very well and the answer is not to raise our taxes again. Our city leaders would be doing Lincoln a greater service by spending time finding other solutions to our economic problems.

Jon Cleal
7445 S. 28th St.

Lincoln, NE 68516

05-09-2004

Honorable Mayor Colleen Seng
555 South 10th ST
Lincoln, Nebraska 68508

RECEIVED
MAY 10 2004
CITY COUNCIL
OFFICE

Dear Mayor Seng;

As a resident of an older neighborhood in Lincoln, I am appreciative of the efforts by the city to improve the infrastructure of neighborhoods such as ours. Currently water mains are being replaced along Nelson Street and other streets in our neighborhood. Such action was badly needed as evidenced by several water main leaks on Nelson Street in recent years which required repair.

Today I am writing to you and the people who I have "cc'd" at the bottom of the letter to advise you of concerns that I as an abutting property have regarding the current project.. I also have questions that I would like answered. Enclosed you will find some picture that I took this a.m. to help clarify the issues for you. (The originals I am sending to you Mayor Seng) I will send photocopies to the other recipients which may not copy very clearly.

The construction commenced approximately March 2nd, 2004. On that date the hole seen in the photographs was dug and the side walk on the corner of 13th and Nelson was removed to aide in the completion of the project which included boring under the street for the new water line.

Concerns: The open hole remains 2 ½ months later, the sidewalk is still out, the barricade for the open hole consists of plastic fencing and (some times) a backhoe parked with the arm over the hole. There is dirt/mud on the sidewalk and street on both Nelson and 13th. With the rains, the mud washes down the street into the storm sewer.

As you can see by the pictures, there is a fire hydrant on this corner. The old one was removed and a new one put in, that now has a black plastic bag over it.

The barricades surrounding the hole have no flashing lights at the present time.

Belmont elementary and Belmont Recreation center attached to the school is located 2 blocks north of this corner and is a route to and from school. The person who occupies the house at this corner is ambulatorily impaired because of age, orthopaedic problems, and stroke. She can not access the back door on Nelson St because of no sidewalk.

A call to the office of K 2 construction to discuss the progress of the project resulted in the following response "We gave you a break by boring the street, we could have torn up your whole property."

1. Where is the nearest operable fire hydrant in the neighborhood and is the fire department kept informed of the up-to-date information on that in the event of a fire and the hydrant is needed?
2. What are the standards set by OSHA or our own city's building codes regarding open holes?
3. Are there ordinances regarding dirt left on city sidewalks and streets in reference to storm sewer runoff?
4. Is there a penalty for completion clause included in the city's contract with K 2 as far as how long they had to complete the project? If so are they in compliance?
5. What is a realistic time frame for completing a project such as this one on Nelson?
6. When do you anticipate the corner at 13th and Nelson will be filled in and the sidewalk poured?
7. Who from the city supervises the contract?
8. Who from the city supervises the work project? Are they satisfied with the work and the progress/timeline?
9. Are contracts/contractors evaluated based on some pre-established criteria after a project is completed? If not why not? And if so, does that post contract evaluation affect future contracts by that company with the city?

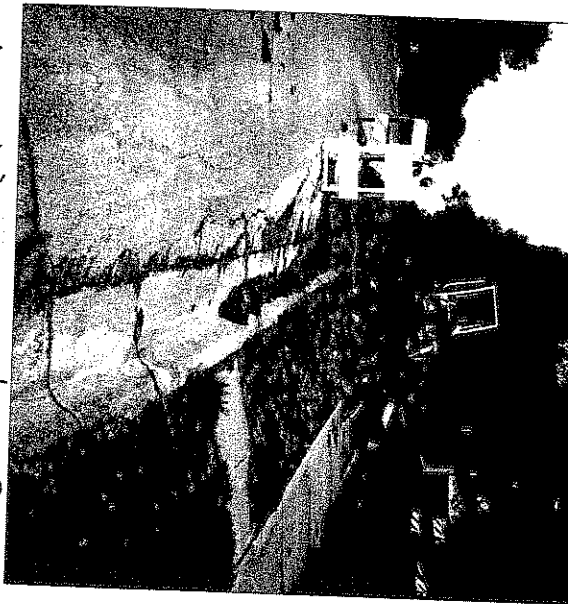
I appreciate your attention to this matter.

Sincerely,

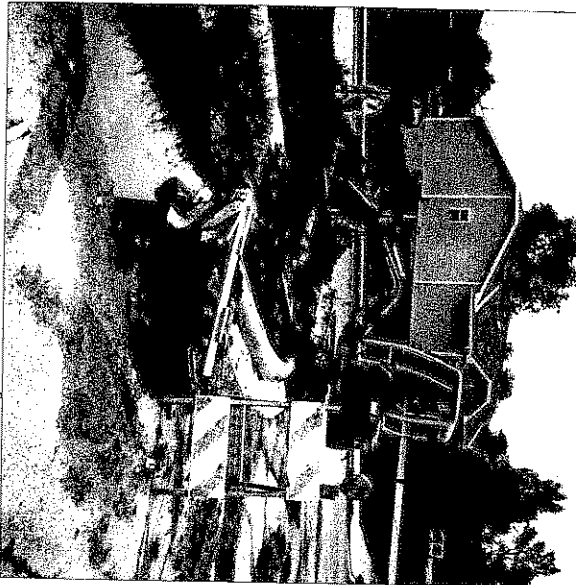


Elaine Ostdiek
3210 N 13th St
477-8442

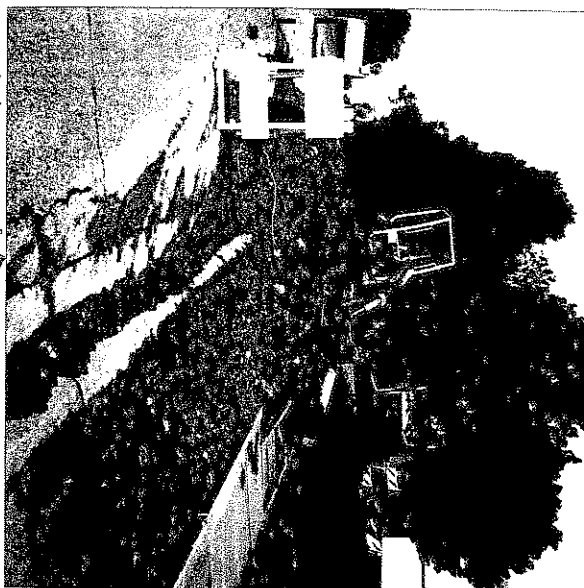
cc. Allan Abbott
Margaret Remmenga
OSHA
Mike Spodt
Dana Roper
Annette McRoy



looking west up
Nelson



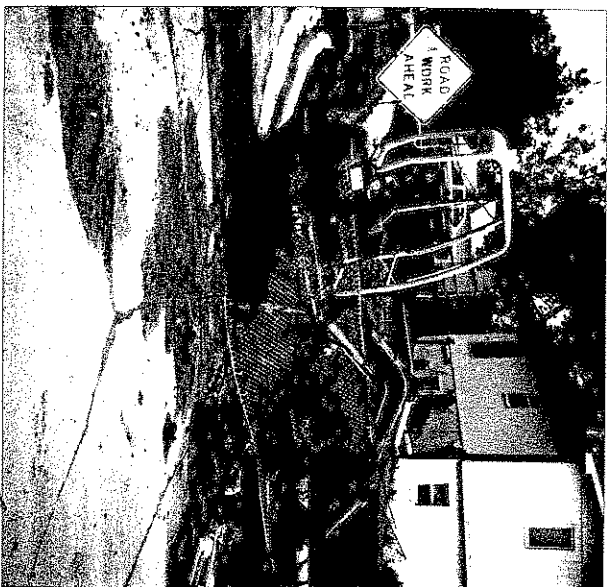
looking south down
N 13th



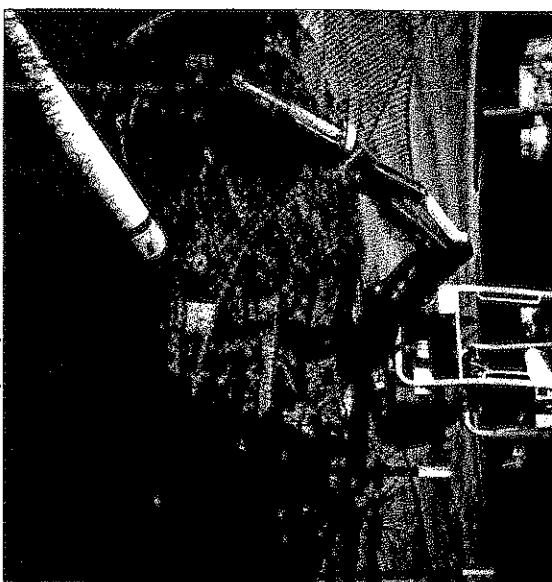
Nelson st
looking west up Nelson



looking south down
N 13th



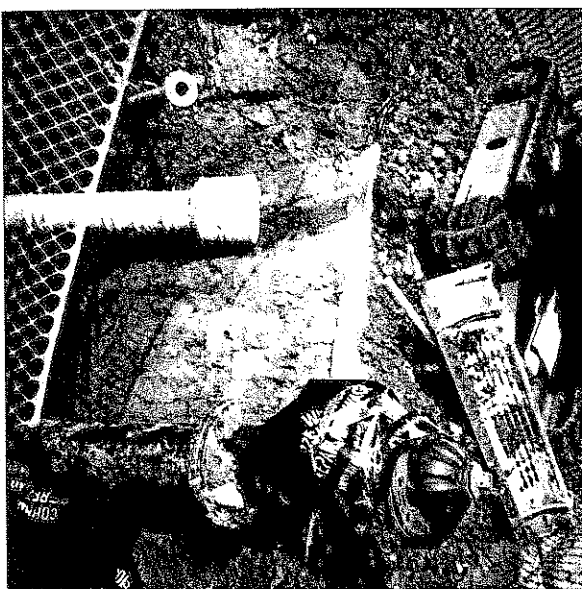
↑
N 13th
Nelson



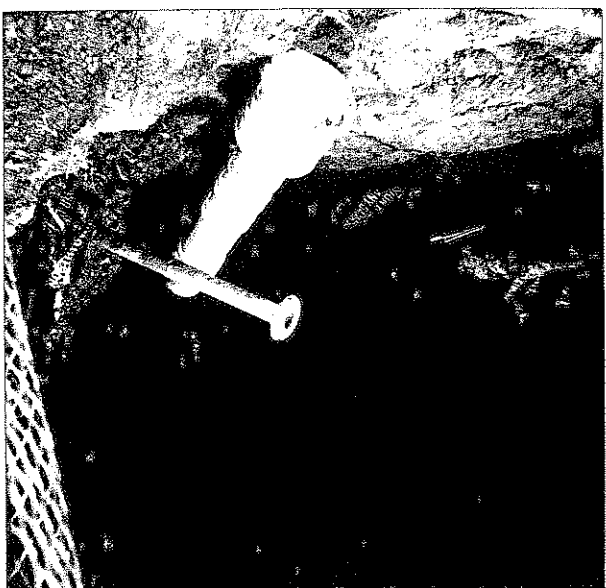
13th & Nelson
Hole & "Barricade"



Hole & Fire Hydrant
at 13th & Nelson



Hole & Fire Hydrant
at 13th & Nelson



Hole & Fire Hydrant
at 13th & Nelson



Joan V Ray

05/17/2004 12:59 PM

To: Wyepp@aol.com,
cc: Council@ci.lincoln.ne.us
Subject: Re: zoning

Dear K. Epp: Your message has been received in the Council Office and will be forwarded to Mr. Cook for his consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us
Wyepp@aol.com



Wyepp@aol.com

05/17/2004 12:38 PM

To: Council@ci.lincoln.ne.us
cc:
Subject: zoning

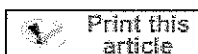
TO: Jonathan Cook
FR: Kim Epp

I live at 1927 South Street. I have resided at this address since 1978. I just returned from a week away and my neighbor, Rene Fitzgibbons, informed me that the zone change for the Irvingdale neighborhood has been changed except for the three blocks along South Street. I am unable to attend the 1:30 council meeting today but would urge you to change our zoning as you have the rest of the neighborhood. We need your help to keep our neighborhood as a single family housing area as much as the other streets in the Irvingdale area. Our street has historical value as well as aesthetic value for all of the cars that travel South street. Boxes (apartment buildings) have invaded enough neighborhoods, don't vote to let it happen to us!!!

Thanks for your considerations,

Kim Epp

RECEIVED
MAY 17 2004
CITY COUNCIL
OFFICE

From: Darrell Podany

RECEIVED

MAY 14 2004

CITY COUNCIL
OFFICEPublished Friday
May 14, 2004

UNL, Wells Fargo give start-up loan to student entrepreneur

BY STEVE JORDON

WORLD-HERALD BUREAU

LINCOLN - You've heard of students investing real money to learn about the stock market.



Alex Petrov, University of Nebraska-Lincoln student entrepreneur.

Now there's a student getting a real bank loan to learn about starting a business.

He's Alex Petrov, a University of Nebraska-Lincoln senior who loves both electronics and commerce. His \$4,900 loan is the first under an entrepreneurship class that UNL officials say is a unique effort to take students' ideas from classroom theory to the marketplace.

Petrov hopes to do more than learn. He plans to manufacture and market his instructional circuit boards, selling them to the university, to students and to hobbyists for \$200 each and eventually hiring other students to assemble them.

"There's a huge market," he said.

Officials from UNL and from Wells Fargo Bank, who announced the program Thursday, hope many more students follow Petrov's example. The bank pledged to loan up to a total of \$50,000 to qualified students.

Terry Sebor, director of UNL's Nebraska Center for Entrepreneurship, said he started working two years ago to augment his class on how to start a business.

The class was interesting and helped students make plans, Sebor said, but "seemed to lack one thing - doing."

The problem is that students seldom have the money to start new ventures, and they lack credit histories that would convince bankers to make standard commercial loans.

The new program brings the students' business plans to a loan committee that includes bankers, a banking professor and banking students. If the student wins the committee's trust, the loan application goes through.

Petrov is the first to complete the process, but three other students are close to qualifying for financing, Sebor said.

Steven Navin, president of Wells Fargo in Lincoln, agreed to make the loans at interest rates usually open only to the bank's most credit-worthy customers, an important cost reduction for a new business.

Petrov completed Sebor's class in December but will continue to receive assistance and mentoring through Community Development Resources, a Lincoln nonprofit group that helps new businesses.

The electrical engineering major said he expects strong demand for his A001 Boards because they are simple to use and flexible so people can set up a wide variety of electronic gizmos easily.

The \$4,900 will go to buy materials and equipment to begin production and to continue his research and product development. "I have other ideas that are better," he said.

A native of Russia, Petrov came to the United States at age 8 with his mother, Olga Petrova. His adoptive father, Lincoln city employee Darrell Podany, said Alex was always taking apart toasters and other gadgets to see how they worked.

He may have inherited some of his aptitude from his grandfather, who also was an electrical engineer in Russia.

Petrov received an oversized check at a press conference, but later he was headed for another lesson in the realities of business: a loan negotiation session with his banker to collect the real check.

Contact the Omaha World-Herald newsroom

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Doug Varner
<varnerd@sbcglobal.net>

To: JRay@ci.lincoln.ne.us
cc:
Subject: Re: South Street Re-Zoning

05/18/2004 04:52 PM

Thank you very much for your prompt attention to our concerns.

Jerald and Carolynn Varner

RECEIVED
MAY 19 2004
CITY COUNCIL
OFFICE

JUDY L. BECKER

3300 North 58th Street
Lincoln, NE 68507-1605
Phone (402) 464-7287
Judybecker@aol.com

May 17, 2004

Lincoln City Council
c/o Lincoln City Clerk
555 South 10th Street
Lincoln, NE 68508

RECEIVED

MAY 19 2004

CITY COUNCIL
OFFICE

RE: Alley Grading District:
North/South Alley, North 58th to Touzalin Avenue,
Gladstone Street to Judson Street
Havelock Block 224 Lot 7

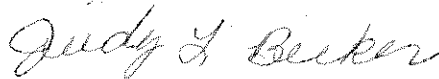
Dear City Council Members:

I am writing to you in regards to my opposition to creating an Alley Grading Special Assessment District Ordinance.

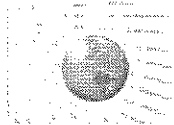
The following is a list of reasons I have against making curb cuts and graveling, rocking the alley:

- There are children that walk to and from Pershing School, to the east of us. The property directly to the east of us (5840 Judson Street) has a 6' high fence on the west side of her property, running along the alley, that starts 3' north of the sidewalk. My first concern is that when children or any pedestrians are walking/running down the sidewalk from the east, and a vehicle would be coming from the north heading south. The driver would not see the kids. For the safety of all pedestrians coming from the east, it would be in their best interest that this alley not be constructed.
- If the alley would be opened, this is just another option for people to drive down, and create a possibility of theft.
- With kids around, and we all know how typical kids can be; with the gravel or rocks, this is just something else for them to pick up and throw and create vandalism.
- I just can't believe that the alley would be maintained to keep vehicles from plowing up the alley. I relate to the block to the west of us the alley runs east and west. On Monday morning after it rained Sunday night, a 4-wheel drive vehicle came out of there throwing mud up and almost hitting my car. Plus then all the mud on 58th Street.
- Judson Street is a bus route, and we have enough problems with people speeding down this street. With the poor visibility to the east, would be another accident waiting to happen.
- In touring around the block, all houses have access to their garages from North 58th Street or Touzalin Avenue. I don't see that it is necessary for anyone to require access to this alley. There are a couple new garages that have been built, and if they wanted access to the alley, this issue should have been addressed prior to issuing building permits, with overhead doors to the alley.
- I also must note, I don't feel I am in a financial position, to pay for someone else's driveway, when they have good access from their streets.
- For the above reasons, I strongly urge you, to not allow, the alley grading special assessment district ordinance.

Sincerely,



Judy L. Becker



Joan V Ray

05/20/2004 09:00 AM

To: j.heim@att.net
cc: council@ci.lincoln.ne.us
Subject: Re: Postponed center lane project and parking ban from 10th to 27th on
A

Dear J. Heim: Your message has been received and I'm sure each Council Members will appreciate your comments.

Thank you for the follow-up.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

j.heim@att.net

RECEIVED
MAY 19 2004
CITY COUNCIL
OFFICE



j.heim@att.net

05/20/2004 12:25 AM

To: council@ci.lincoln.ne.us
cc:
Subject: Postponed center lane project and parking ban from 10th to 27th on
A

Dear Council Members,

Thank you for your help in getting this project postponed. I and a number of other people really appreciate your efforts. This response has proved the system works!

Thank you again.

Janis Heim

1124 A St., Apt. #1

Lincoln, NE 68502

**ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, MAY 24, 2004**

I. MAYOR

1. NEWS RELEASE - RE: Mayor Seng Names Task Force To Review Group Home Policy - Task force to study issues of location, neighborhood impact and local control - (See Release)
2. NEWS RELEASE - RE: South 14th Street Improvement Project Continues - (See Release)

II. CITY CLERK

1. Letter from Lawrence & Nancy Hans brought into Council Office by City Clerk Joan Ross - RE: Item #6, 04-86 - Paving District - North 36th Street, Vine to "W" Street - (See Letter)

III. CORRESPONDENCE

A. COUNCIL REQUESTS - NONE

B. DIRECTORS AND DEPARTMENT HEADS

FINANCE DEPARTMENT/CITY TREASURER

1. Material from Don Herz, Finance Director & Melinda J. Jones, City Treasurer - RE: Resolution & Finance Department Treasurer of Lincoln, Nebraska - Investments Purchased May 17, 2004 thru May 21, 2004.

PLANNING

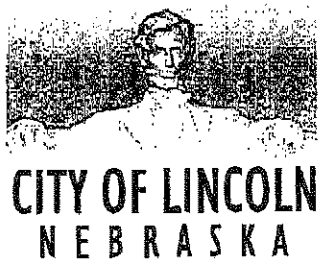
1. Memo from Marvin Krout - RE: Status report on saline wetlands protection efforts - (See Memo)

PUBLIC WORKS & UTILITIES/URBAN DEVELOPMENT DEPARTMENT

1. Memo from Kelly Sieckmeyer & Wynn Hjermstad - RE: N. 48th Street/University Place Plan - (See Memo)

C. MISCELLANEOUS

1. Letter from Judy Becker - RE: Alley Grading District: North/South Alley, North 58th to Touzalin Avenue, Gladstone Street to Judson Street, Havelock Block 224 Lot 7 - (See Letter)
2. E-Mail from Dave Shoemaker, Shoemaker's Truck Station - RE: Smoking room - (See E-Mail)
3. Letter from Louise Heiselman - RE: The idea of closing St. Paul Street and also changing the traffic signals on 48th Street - (See Letter)



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: May 21, 2004**FOR MORE INFORMATION:** Mark Bowen and Ann Harrell, Mayor's Office, 441-7511

MAYOR SENG NAMES TASK FORCE TO REVIEW GROUP HOME POLICY

Task force to study issues of location, neighborhood impact and local control

RECEIVED
MAY 21 2004
CITY COUNCIL
OFFICE

Mayor Coleen J. Seng today announced formation of a citizen task force to examine the City's laws and regulations governing group homes and congregate housing.

The City of Lincoln currently regulates the location of group homes and congregate housing and care facilities through the zoning ordinances. The task force will be asked to consider and recommend any changes that would improve the community's ability to provide appropriate housing opportunities for people with special needs, yet do so in a way that is compatible with Lincoln's existing neighborhoods.

"It is important to consider the impact that congregate housing has on a neighborhood and discuss who can safely be housed and what settings are appropriate for the variety of different services being provided by group homes or other supervised congregate housing," Mayor Seng said.

The Lincoln-Lancaster County Comprehensive Plan states that congregate facilities should be designed and located to enhance the surrounding neighborhood. Reasonable spacing, design and operational requirements should be created for all congregate facilities to preserve the neighborhood character while providing for those with special needs.

"The recent incident in which a group home resident was charged with stabbing a child has justifiably focused the community concern on how congregate living is incorporated into a neighborhood," Mayor Seng said. "We are glad the Nebraska Department of Health and Human Services is making a requirement for more security in some programs, but we also need to discuss what patients are housed in a community. My hope is that the task force can focus a thoughtful discussion of the issues and how they should be addressed in local ordinances.

"The task force will be charged with balancing the objective of providing effective and efficient services to the City's special populations while protecting the integrity and stability of our residential neighborhoods," Seng said. The task force is expected to complete its mission and report to the Mayor within four months of its initial meeting.

- more -

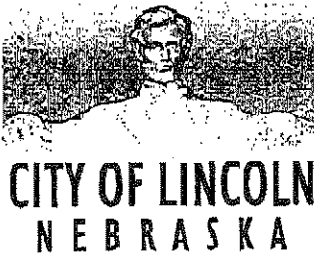
Task Force
May 21, 2004
Page Two

Seng noted that the task force will begin by reviewing the existing City ordinances. Some group home operators have indicated they intend to seek waivers from parts of the existing City zoning ordinances. The City of Lincoln currently does not have a procedure to review applications seeking a variance from the City ordinance.

Seng said the Group Home and Congregate Housing Task Force will be chaired by Jon Carlson, a member of the Lincoln-Lancaster County Planning Commission. The City Council will be invited to have a representative on the task force. Other members will be:

- Roger Massey, former area director for the U.S. Department of Housing and Urban Development and former Lincoln-Lancaster County Planning Commissioner
- Jim Blue, Executive Director, Cedars Youth Services
- Larry Potratz, Executive Director, Lincoln Housing Authority
- Dean Settle, Executive Director, Lancaster County Community Mental Health Center
- Larry Williams, Director, Lincoln Commission on Human Rights
- Kit Boesch, Administrator, Lincoln-Lancaster County Human Services Department
- Tom Casady, Lincoln Police Chief
- Chuck Zimmerman, Plan Review Manager, City Building and Safety Department
- Rick Peo, Chief Assistant City Attorney

Neighborhood representatives and persons involved in operating and/or regulating group homes and congregate housing will participate as resource members to the task force.



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

PUBLIC WORKS AND UTILITIES DEPARTMENT

Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

FOR IMMEDIATE RELEASE: May 21, 2004

FOR MORE INFORMATION: Charles Wilcox, Engineering Services, 441-7532

SOUTH 14TH STREET IMPROVEMENT PROJECT CONTINUES

As part of the South 14th Street improvement project, the intersections of South 14th Street with Old Farm Road and with Aberdeen Avenue were closed today. All lanes of South 14th Street are now closed from Galloway Avenue to Thunderbird Road for improvements. Drivers who usually use this section of the street are encouraged to use Old Cheney, 27th Street and Pine Lake Road.

On June 7, the intersection of South 14th with Thunderbird Road is scheduled to close. All lanes of South 14th will then be closed from Galloway Avenue to the north side of the YMCA driveway.

All entrances to Lincoln Memorial Park, 6700 South 14th, will remain open through Memorial Day, May 31.

As work on South 14th progresses, the City will keep open completed segments of the street for local access. The City has posted informational signs in the area to help alert the public to the changes.

When the entire project is completed, South 14th Street between Old Cheney Road and Pine Lake Road will be widened to four lanes with left-turn and right-turn lanes at the major intersections. Sidewalks and bike paths will be added. A pedestrian bridge has been installed over South 14th to connect the Rock Island Trail to Densmore Park.

RECEIVED
MAY 21 2004
CITY COUNCIL
OFFICE

- 30 -

FILED
CITY CLERK'S OFFICE

04-86
6

2004 MAY 21 P 3:13

CITY OF LINCOLN
NEBRASKA

3537 W Street
Lincoln NE 68503
May 19, 2004

Lincoln City Council
c/o City Clerk
555 S 10th Street
Lincoln NE 68508

RECEIVED
MAY 21 2004
CITY COUNCIL
OFFICE

Re: Paving District
North 36th Street, Vine to "W" Street

We reside at 3537 W Street and also own the property at 3527 W Street, which is a rental house. We are opposed to the creation of this Paving District primarily for the economic hardship it will create. Both of us are retired and depend on social security and rental income to maintain our very simple lifestyle. In addition to everyday expenses, we have approximately \$10,000 annually in out-of-pocket medical expenses. These expenses along with the rising price of gasoline, groceries, and taxes have us quite concerned.

W Street has been our home for 47 years, and we have seldom experienced problems with this unpaved street. The current condition of 36th Street, nor the other unpaved streets in our neighborhood create no problems at all for us.

Sincerely,

Lawrence Hans
Nancy Hans

Lawrence & Nancy Hans

RECEIVED

MAY 24 2004

CITY COUNCIL
OFFICE

RESOLUTION NO. A-_____

BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of
Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City
Treasurer is hereby directed to hold said investments until maturity unless
otherwise directed by the City Council.

INTRODUCED BY:

Approved:

Don Herz, Finance Director

Approved this ____ day of _____, 2004

Mayor

**FINANCE DEPARTMENT
TREASURER OF LINCOLN, NEBRASKA
INVESTMENTS PURCHASED
MAY 17 THRU MAY 21, 2004**

An investment of \$1,500,000 matured May 17, 2004, and we immediately cashed along with a \$1,550,000 Wells Fargo Bank Money Market out of the Short Term Pool. We then added to this amount and invested \$5,000,000 in a FHLB, discounted 99.6820833%, costing \$4,984,104.17, yielding 1.111701%, maturing August 30, 2004, in the Medium Term Pool.

May 18, 2004, we cashed \$179,000 out of the Short Term Pool and then invested in a \$250,000 Dreyfus Government Fund at Wells Fargo Bank.

May 19, 2004, we cashed a \$1,125,000 First American Government Obligation Fund at US Bank out of the Short Term Pool along with \$2,000,000 in a US Bank Business Money Market Account for a total of \$3,125,000. We then invested \$2,590,000 as follows:

\$40,000	Nebraska Public Agency Investment Trust at Union Bank
\$50,000	Dreyfus Government Fund at Wells Fargo Bank
\$2,500,000	Freddie Mac, purchased at par, yielding 4.72%, maturing May 19, 2009

May 21, 2004, we cashed \$2,000,000 from the US Bank Business Money Market. We then invested \$7,610,000 in the Short Term Pool as follows:

\$25,000	Nebraska Public Agency Investment Trust at Union Bank
\$4,740,000	Dreyfus Government Fund at Wells Fargo Bank
\$2,845,000	First American Government Obligation Fund at US Bank

May 21, 2004, the Police and Fire Pension Fund invested in a \$2,000,000 CNL Institutional Plaza II, LLC Private Placement Agreement.

We respectfully request approval of our actions.

Don Herz, Finance Director

Melinda J. Jones, City Treasurer

MEMORANDUM

TO: Mayor Coleen J. Seng
City Council
Lancaster County Board of Commissioners
Lincoln-Lancaster County Planning Commission
County Ecological Advisory Committee
Mayor's Environmental Advisory Committee

FROM: Marvin S. Krout, Director of Planning *MS Krout*

SUBJECT: Status report on saline wetlands protection efforts

DATE: May 19, 2004

cc: Lynn Johnson, Parks & Recreation
Allan Abbott and Nicole Fleck-Tooze, Public Works & Utilities
Richard Schneider, Nebraska Games & Parks Commission
Glenn Johnson, Lower Platte South NRD

RECEIVED
MAY 21 2004
CITY COUNCIL
OFFICE

The Comprehensive Plan adopted in June 2002 calls for preservation of the unique environmental resource in portions of the Salt Creek watershed known as the Eastern Nebraska Saline Wetlands. These wetlands provide habitat for two state-listed endangered species: the Salt Creek tiger beetle and the Saltwort plant – the former of which has been nominated for national listing.

The Comprehensive Plan reduced the extent of the Little Salt Creek basin that would be planned for near-term urban development, and that may be the most important contributor to protecting the significant complex of saline wetlands along this creek. The Comprehensive Plan also calls for research activities to gain more knowledge about the character and sensitivity of this ecosystem and the impacts of land use on its viability. The Plan identifies a 500 foot buffer around certain saline and freshwater wetlands, within which any development proposals would be carefully scrutinized, until research efforts suggested more appropriate boundaries and standards for protection. The Plan also calls for prioritizing the saline wetlands for land acquisition, working with landowners on incentives and other assistance to preserve and enhance these areas, and raising public awareness about this unique ecosystem.

The purpose of this report is to update elected and appointed board members and others on the research and protection efforts that have occurred since the adoption of the Comprehensive Plan two years ago, and on efforts that are planned.

1. The Saline Wetlands Conservation Partnership was formed in 2003 by the City of Lincoln, Lancaster County, Lower Platte South Natural Resources District (NRD), Nebraska Game and Parks Commission, and The Nature Conservancy to coordinate efforts aimed at conserving the saline wetlands. The Partnership published an "Implementation Plan" in 2003 that laid out a number of strategies for protecting the wetlands. One of the recommendations in this plan was to fund and hire a program coordinator, and this has been accomplished. The Partnership has facilitated the acquisition of 220 acres along the Little Salt Creek and is working to develop restoration and management plans at the Jack Sinn Wildlife Management Area and other areas. The Nature Conservancy has purchased a tract with wetlands along Little Salt Creek, and the Natural Resource Conservation Service, under the U.S. Agriculture Department, is acquiring conservation easements to protect wetlands throughout the saline area, especially in Rock Creek.
2. Entomologists at UNL are undertaking research, funded by the U.S. Fish & Wildlife Service and Game & Parks, to investigate the habits of the Salt Creek tiger beetle and its susceptibility to development impacts. They also are under contract to Games & Parks to prepare a "recovery plan", which is intended to outline a strategy for restoring and expanding the habitat that will support the tiger beetle. This report is expected to be available in several months. The entomologists have set up a website and made many presentations to educate the public about the beetle and its habitat.
3. The tiger beetle and saltwort are currently protected from state actions that may have a detrimental impact under the state's listing these species as endangered. "State actions" can include state approval of Lincoln's stormwater management plan, as well as individual property owners' applications to the Natural Resources District under the federal requirements for permits to control stormwater discharges from private construction projects. The applicable agencies can be expected to more closely scrutinize future permit requests that might affect the viability of the threatened species.
4. The tiger beetle is still being actively considered for national listing as an endangered species. The impact of that listing would mean protection from private activities that federal officials consider to be "takings" of the beetle or its habitat, and from federal actions that may have detrimental impacts. It would also open up the potential for more grant funds for research and land acquisition, and commit the federal Fish and Wildlife office to prepare a Conservation Plan, which would include the identification of critical habitat as well as a "recovery" plan.
5. The Planning Department has initiated a special planning effort for the area in the vicinity of the confluence of the Salt Creek and Little Salt Creek, between North 27th and North 56th Streets. This area, which contains prime saline wetlands, is planned for the extension of city services and development of residential and commercial uses over the next several years. Landowners were invited to an initial meeting in order to learn more about their development plans and acquaint them with the special nature of this area.

One development proposal for land immediately west of North 56th Street on the north bank of Salt Creek is proceeding through the public review process. This land adjoins wetlands that are degraded, lies downstream of the more pristine wetlands to the west, and has been through a federal wetlands permit review, so staff is not suggesting any additional development restrictions.

6. An Interim Stormwater Hydrology and Hydraulics Report has been completed for the Little Salt Creek watershed by Public Works' Watershed Management Division and the NRD. This report analyzes the effects of existing and projected land uses in this watershed on drainage and identifies potential issues, including significant projected increases in stormwater volume and peak runoff rates in the area planned for urban development, assuming traditional development patterns.
7. The Planning Department assembled staff from the Parks Department, Public Works, Game & Parks, and UNL entomologists at two recent meetings to share information on everyone's efforts to date. This effort is aimed at developing specific new standards to replace the 500 foot buffer that was established in the Comprehensive Plan. The standards would be aimed at the following objectives:

- maintain the delicately balanced groundwater system that supports the saline wetlands,
- reduce the effects of increased runoff causing channel alterations,
- control sediment, fertilizers, pesticides and other pollutants, and
- protect a minimum area of undisturbed habitat for the plants and animals characteristic of this ecosystem.

The research to-date indicates that some measures to protect the wetlands will need to extend beyond the 500 foot buffer, while other measures could apply to a band extending less than 500 feet from the wetlands. More specifically:

- a) The effects of nearly a century and a half of human activities have greatly reduced extent of and degraded the quality of the saline wetlands and the abundance of tiger beetles in Lancaster County. The Conservation Plan to recover these wetlands and their endangered species will require active restoration/management – not just buying and preserving the remaining habitats.
- b) An undisturbed buffer area of 100-300 feet beyond the edge of the wetlands generally will be needed in order to properly control stormwater, filter pollutants, and provide adequate habitat that includes upland as well as lowland areas.
- c) Special stormwater controls are needed in the larger basin that drains into the creeks and wetlands, which more closely replicate the pre-development surface and subsurface water conditions during more frequent storm events. The Nature Conservancy, Game and Parks, and others are continuing research as to how

this water system works and what techniques work best to protect and restore the natural system. Public Works' Watershed Management Division indicates that the current watershed management study for the Stevens Creek basin will provide "best management practices" that could be applied to other basins including the saline wetlands.

- d) The tiger beetle apparently is very sensitive to outdoor light sources that are visible from its habitat, even though they may be 1/4 mile or more away. Proposed new light sources that would be visible from the wetlands should be carefully reviewed to ensure that they are properly shielded and the mounting heights limited, and certain types of light sources may need to be prohibited.
- e) The current 500 foot buffer in the Comprehensive Plan applies only to the wetlands that contain a range of plants and animals found in saline wetlands. The National Wetlands Inventory has categorized the higher quality saline wetlands as "Category 1" and the more degraded environments as "Category 2" wetlands. Discussions among the experts suggest that protective buffers probably should be extended to include "Category 3" wetlands. These wetlands were originally saline, but have lost most of the plant and animal species associated with their saline soils due to previous disturbances. But these wetlands can be restored, and they are important to maintaining a total land area that is large enough to sustain the recovery of the endangered species.

Further research on some of these issues may well continue for years. But by the end of this year, Planning staff should have enough information to suggest a set of code standards to replace the 500 foot buffer and protect the saline wetlands from development impacts. Most likely, any staff proposals would first be reviewed by a group similar in composition to the "Tiger Beetle Cabinet" that was assembled by the previous Mayor several years ago, when the public first became aware of the significance and sensitivity of the Salt Creek tiger beetle.

i:\msk\saline wetlands buffer report

M E M O R A N D U M

To: City Council Members

From: Kelly Sieckmeyer (Public Works & Utilities)
Wynn Hjermstad (Urban Development)

Copy: Mark Lutjeharms (The Schemmer Associates Inc.)
Marty Shukert (RDG Planning & Design)

Date: May 24, 2004

Subject: N. 48th Street/University Place Plan

RECEIVED

MAY 24 2004

CITY COUNCIL
OFFICE

At the Pre-Council on May 17, 2004, you asked that we provide you with additional information regarding the issues raised by members of the public at the Planning Commission public hearing for the North 48th Street/University Place Plan. From these comments, there were three areas of concern: 1) Nebraska Wesleyan University (NWU) voluntarily identifying a campus domain area, 2) comments received from Mary Ann and Charles Genrich regarding parking and access on the east side of N. 48th Street, and 3) access to Williams Cleaners at the intersection of N. 48th Street/Baldwin Avenue. Between the first and second public hearings, we worked to resolve these issues with the following results:

NWU Campus Domain Issue: The plan presented to the Planning Commission recommended NWU set a voluntary domain, i.e., a boundary within which they would stay and not expand, of one-half block to the north and south. The plan further recommended that campus-related commercial and residential activities be integrated into the 48th Street business district and suggested that campus growth could be accommodated in this transitional area from Madison Avenue to Huntington Avenue and from 48th Street to 50th Street. NWU officials were concerned with this language, however, and feared that it would not provide enough room for expansion. Yet, they also understood that neighbors wanted assurances that future campus land acquisitions would not harm the residential feel of the neighborhood. NWU officials were also concerned with the decline in housing conditions to the north of campus, and wanted the opportunity to assist in improving that part of the neighborhood. We met with representatives from NWU and the neighborhood and worked out compromise language to be included in the plan. The plan now recommends:

- Academic uses be focused between the one-half block north of Madison Avenue and one-half block south of Huntington Avenue, between 48th and 56th Streets.
- NWU is encouraged to regard the blocks west of the current campus, between 50th and 48th Streets and between Madison and Huntington Avenues, as area suitable for campus expansion and campus related activities. Campus related commercial and residential activities should be increasingly integrated into the N. 48th Street business district.
- NWU should not expand its campus domain more than one-half block south of Huntington Avenue to preserve the integrity of the Creighton Historic District.
- Between Madison Avenue and Adams Street, NWU and the neighborhood should work with the City to develop a plan for improving housing in this area. The new plan will address additional strategies for improving housing and how NWU can help by investing in housing and renovation.
- NWU and the neighborhood will work with the City to develop a plan to address parking issues.

Both NWU and the neighborhood association were comfortable with the recommendations and this new language was included in the Plan by amendment of the Planning Commission (page 80).

Parking and Access:

Attached is a letter that we received from a University Place business owner with concerns regarding parking and access east of N. 48th Street. Our response to these concerns are summarized as follows:

Replacement of front yard parking

The current front yard in front of the Genrich's office is paved and used for parking. The plan proposes replacing this with diagonal parking along St. Paul Avenue. Several of these stalls may be designated for handicapped users and one may be designated as a loading stall as well. The diagonal parking is easier for most people to get into than the current configuration. It also permits landscaping of the front yard in front of the Genrich's office.

Closing St. Paul Avenue at 48th Street and detouring patients

Patients to the Genrich's office will be rerouted, but will be able to make a protected left turn (if coming from the north) at a signalized intersection at Madison Avenue or a right turn off of N. 48th Street at either Huntington Avenue, Baldwin Avenue or Madison Avenue. Directional signs and parking lot design will encourage parking access off Madison Avenue, reducing the additional traffic on 49th Street. The plan also calls for monitoring the performance of 49th Street, potentially removing parking from one side. In any case, patients generally understand a reroute quickly and find their way to the office. Professional offices like dentists do not depend on impulse purchases and instant visibility and access from the street intersection.

Ownership of parking lot

The parking design in the plan has been developed to provide efficient and continuous circulation and a maximum number of parking stalls. Most of the added parking is created by expanding the public lot on the north side of the Madison to St. Paul block. The plan does not necessarily advocate city ownership of the entire lot, and ownership of the south part may still remain private. Signage would need to be used to mark off the public and private portions of the lot, already an unclear definition. However, the central drive aisle off 49th Street makes it somewhat easier to define ownership.

Access to Williams Cleaners:

In the Concept Map of the draft N. 48th Street/University Place Plan, a raised median is proposed in Baldwin Avenue to prohibit left-turn movements onto and off of N. 48th Street as well as east and westbound cross movements. The raised median shown in the Concept Map extends several hundred feet to the west which raised concerns of Williams Cleaners and the ability to access their driveway. The attached figure illustrates a potential alternative of how access (from the north) to this business can be maintained by shortening the raised median in Baldwin Avenue and relocating the drive to the west property line.

This plan does promote the prohibition of left-turns off of N. 48th Street. Therefore, northbound traffic destined for Williams Cleaners will be unable to turn left onto Baldwin Avenue or into the driveway in front of Williams Cleaners. Instead, customers of Williams Cleaners coming from the south will be required to use the protected left-turn lane and traffic signal at Huntington Avenue and 47th Street to enter the business' driveway along Baldwin Avenue.

We will continue to work with our partners and individual property owners when we begin implementing the plan to address any additional concerns they may have. Please feel free to contact either of us if you have questions.

Attachments

March 17, 2004

N 48th Street/University Place Study

Att: Mark Lutjeharms, P.E., PTOE Schemmer Associates, Inc.

Wynn Hjermstad

We have read the Study and have a few concerns that need to be addressed regarding our property. It states on Page 41 that the front yard part of our parking area will be replaced. The only yard in front is the terrace by the curb the rest is a cut out for Handicap parking and a handicap ramp which in the plan is eliminated. We would like to have the handicap parking remain as is. Handivans and delivery trucks utilize this area, if this area was removed then the parking lot lane would be blocked until these vehicles moved. It stated in the Study that this plan can be modified to avoid conflicts; we feel the plan should be modified to put back this area.

We were not happy with the thought of closing 48th and St. Paul because a lot of our patients come off of 48th Street and if they close this it means our Patients will be driving on the Residential Streets and with parking on both sides on 49th Street it makes the street very narrow. We have three Dentists in our building and our business would be adding about 50 more cars on these streets a day. But this seemed like the only workable alternative we were given.

Right now this lot is our Private Parking Lot for our Patients. We bought this building 12 years ago so we would have a Private Parking Lot so our Patients DID NOT have to look for parking. We shared a City lot for 9 years when our Building was on 48th Street and our Patients were always having difficulty finding a place to park. We also had thought about expanding our building to the west across the north end of our parking lot and with the proposed plans this would no longer be viable. The lot to the West of us is also private, in the plan you have combined both of our parking lots. We maintain our Parking lot and in the winter our lot is cleared from snow by 7:00 a.m. for our patients. Whose responsibility will it be for these lots to be maintained? Can the City guarantee that our Patients won't have to walk thru snow to get to our building? Is the City planning on buying ALL the Private Lots in University Place? The City Lots have a 2-3 hour parking limit Our staff parks in our Lot where do they park if the City takes this over?

We have brought up these questions at the Task Force meetings via e-mail with Wynn Hjermstad on 3/12/03 and also with Schemmer Associates when they came out to our office. We would like answers to these questions before we can fully support this plan. We have been told this may take years before this is all finalized. However, when we are trying to figure out what our future will be in our current building we need to have some answers.

We will most likely voice these concerns with the Planning Commission, City Council and County Board.

Thank you,

MARY ANN AND CHARLES GENRICH, D.D.S.

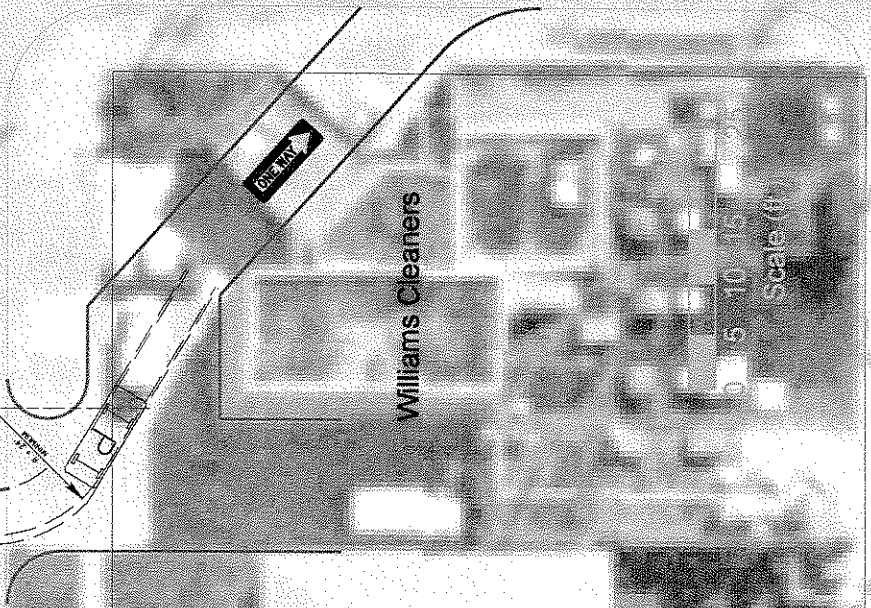
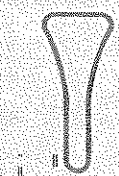
4830 St. Paul Ave Lincoln NE 68504

(402) 420-5366 Home (402) 466-2211 Work

mgenrich@neb.rr.com

◇ Baldwin Ave.

48th St.



Williams Cleaners

Scale (ft)
0 5 10 15

JUDY L. BECKER

3300 North 58th Street
Lincoln, NE 68507-1605
Phone (402) 464-7287
JudyLbecker@aol.com

RECEIVED
MAY 21 2004
CITY COUNCIL
OFFICE

May 17, 2004

Lincoln City Council
c/o Lincoln City Clerk
555 South 10th Street
Lincoln, NE 68508

RE: Alley Grading District:
North/South Alley, North 58th to Touzalin Avenue,
Gladstone Street to Judson Street
Havelock Block 224 Lot 7

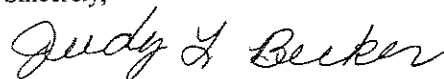
Dear City Council Members:

I am writing to you in regards to my opposition to creating an Alley Grading Special Assessment District Ordinance.

The following is a list of reasons I have against making curb cuts and graveling, rocking the alley:

- There are children that walk to and from Pershing School, to the east of us. The property directly to the east of us (5840 Judson Street) has a 6' high fence on the west side of her property, running along the alley, that starts 3' north of the sidewalk. My first concern is that when children or any pedestrians are walking, running down the sidewalk from the east, and a vehicle would be coming from the north heading south. The driver would not see the kids. For the safety of all pedestrians coming from the east, it would be in their best interest that this alley not be constructed.
- If the alley would be opened, this is just another option for people to drive down, and create a possibility of theft.
- With kids around, and we all know how typical kids can be; with the gravel or rocks, this is just something else for them to pick up and throw and create vandalism.
- I just can't believe that the alley would be maintained to keep vehicles from plowing up the alley. I relate to the block to the west of us the alley runs east and west. On Monday morning after it rained Sunday night, a 4-wheel drive vehicle came out of there throwing mud up and almost hitting my car. Plus then all the mud on 58th Street.
- Judson Street is a bus route, and we have enough problems with people speeding down this street. With the poor visibility to the east, would be another accident waiting to happen.
- In touring around the block, all houses have access to their garages from North 58th Street or Touzalin Avenue. I don't see that it is necessary for anyone to require access to this alley. There are a couple new garages that have been built, and if they wanted access to the alley, this issue should have been addressed prior to issuing building permits, with overhead doors to the alley.
- I also must note, I don't feel I am in a financial position, to pay for someone else's driveway, when they have good access from their streets.
- For the above reasons, I strongly urge you, to not allow, the alley grading special assessment district ordinance.

Sincerely,



Judy L. Becker

Joan V Ray

05/21/2004 02:31 PM

To: "Dave Shoemaker" <davshoemaker@neb.rr.com>

cc: <council@ci.lincoln.ne.us>

Subject: Re: Smoking room

Dear Mr. Shoemaker: Your message has been recieved in the Council Office and will be forwarded to the Council Members for their consideration. It has been noted that you would like to receive a response which addresses your concerns within this coming week. A Council Member will see that a response regarding your concerns is sent as soon as possible. Thank you for your input on this issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

"Dave Shoemaker" <davshoemaker@neb.rr.com>



"Dave Shoemaker"
<davshoemaker@neb.rr.com>

To: <council@ci.lincoln.ne.us>

cc:

Subject: Smoking room

05/22/2004 02:31 AM

Attached is a letter I am sending to the county and State health Department. I thought the council might be interested also.

Thank You and Good Luck

Dave Shoemaker

Shoemaker's Truck Station



Lincoln, Ne Today I am pondering 5-04.dc

RECEIVED

MAY 21 2004

**CITY COUNCIL
OFFICE**

The decisions you have made in the last year had to be tough and I appreciate all the long hours you have spent making these decisions. Not only while at work, but I am sure you and me both have spent many a night laying awake trying to make the right decisions, for everyone affected. Today I am pondering how to stay in business. The upcoming Smoking Ordinance has me confused and confounded. How am I to build this room? Who from the Lancaster county Health Department will come out and determine the size, construction and regulations of the room? The Ordinance states that the maximum size of the smoking room shall be proportionate to the preference of the users. I would say that at least 70% of my customer's smoke so does that mean that 70 percent of our building can be smoking? If that is the case I will have to do nothing because over 30% of the public access area are our Truck Bays. This part of our building is sealed off by solid walls and is equipped with doors with self-closures. Reading on, the ordinance does state that hallways and restroom are to be non smoking, so if I build a wall floor to ceiling I can separate the entire Restaurant from the rest of the building. The Restaurant would then be smoking and the rest of the building would be smoke-free, would this be acceptable?

A customer comes into my establishment to eat and appears to be the age of 18 and is not, can I be ticketed, or is the customer ticketed? Do we have to check the ID for each and every person that appears to be 18 or younger? What do I do with the driver that smokes and brings his son or daughter with him? He has been smoking in the cab of his truck all day, and now he has to deal with the smoking ordinance - another customer lost.

If the Restaurant is deemed as smoking do I have to adhere to the same requirements as a bar? Do all the employees have to be informed of the fact that smoking is permitted on the premises and that the employee will be exposed to the health risks associated with smoking whether or not the employee smokes? Do I also have to inform the employee's of the health risk of eating fatty foods and restrict their eating habits?

These are but a few of the many unanswered questions I have as a business owner, but most of all is will I be in business next year at this time?

With the compliance date, July 1, 2004, coming up way too fast, I need answers to these questions. I would like a response to this letter within one week as how to proceed in my endeavor. To stay in business and comply with the new smoking ordinance in this fine city of Lincoln will certainly be one of my biggest challenges. I need time to comply with the law, and I know you and the City council have been diligently trying to iron out all the details. I strongly suggest that you move the compliance to a later time.

Thank You

Dave Shoemaker
Shoemaker's Truck Station Inc
4800 West "O" Street
Lincoln, Ne 68528

RECEIVED
MAY 24 2004
CITY COUNCIL
OFFICE

Dear City Council Members and Mayor Seng:

I would like to express to you my thoughts and those of many of my neighbors and friends to the idea of closing St. Paul Street and also changing the traffic signals on 48th Street.

We bought our home in University Place sixty-six years ago. We have seen many changes in Lincoln and University Place during this time. Years ago there were a few days that the only way our mailman could deliver our mail was on a tractor because of the muddy roads. We have seen many of our older stores either move further south, down by Leighton Street, or go out of business. Even the Post Office moved and now the hub of the business district is off of 48th and Leighton.

There have been many changes in Lincoln during this time. Some things were done and later those in charge realized that it was not for the best and had to revise them. Some times the planners seem to get ahead of themselves and buy up property and then the project doesn't go through. Such was the case with the North-By-Pass, or Northeast Radial, that was supposed to serve the north part of town. Many people were relocated. The city bought their property and then bought them other homes to move to. This all happened in my neighborhood and then for some reason the project didn't go through after all that money was spent and Madison Avenue was closed off from 33rd to 35th Street. What was supposed to be a street is now a bike trail.

Several years ago they put lovely cement planter boxes along 48th street. Some were well taken care of and others weren't. Now they plan on taking them out and putting up a small wall near the curb about the height of the planters. That is to keep the slush from being thrown on the sidewalk and people as the cars drive by. A lot of money wasted on what appears to be a passing fad—perhaps like the changes they now want.

It is hard for me to come down to a City Council Meeting as I am 86 years old. However, I care a great deal about this part of town. My neighbor took me to the meeting last November at the Methodist church where the new plan for this area was presented. It was a meeting where you could come and go for a period of about three hours. During the hour and a half that we were there, most of the people present were the consultants and city officials. From what I have heard publicized, most of the people attending were supposed to have been in favor of their plans. I don't agree with this statement; those of us who live in the area and did speak up against it were given a brush off as this is what had

been decided and is best for the community. It wasn't an opportunity for us to tell them what we thought; rather, it was just an opportunity for them to tell us what was going to happen.

At the present time we have only St Paul, Baldwin and Leighton Streets that run from 48th to 33rd in an area from Holdrege to Adams Street. Now plans that will take away another through street in the area are being drawn up and are being presented to the City Council and the City Planning Commission. They hope to be starting construction in the next month or two .

They plan to close St Paul Street a half block each side of 48th street and make a mini mall and maybe put up a gazebo on the west side of 48th near the restraint. If they want to close the east side of St Paul and 48th, it wouldn't bother the through traffic; but, between 48th and 33rd Streets, St. Paul has always been one of our main streets along with Adams and Leighton. The City would or will buy the big white house & land on the corner of 47th and St. Paul. I believe that's 4702. They would either move the house or tear it down and make another parking lot there.

Because of traffic jams, some years ago the City decided that 48th Street should be two lanes both directions, so they bought up land for parking behind buildings on 48th Street and took the parking off the main street and that must have hurt business. Now they are complaining that the traffic moves too fast through University Place so they want to change the signal lights. There has been a signal light at Adams for a long time; now they want another one two blocks south at Madison Avenue. The next block is St. Paul and there they want to take out the existing signal light and put up a pedestrian light so people can walk diagonally or any direction they want to (remember this is the mini mall which is only 1/2 block long each side of 48th), then there is a pedestrian light at Huntington and a regular signal light at Leighton. They say it is important to keep the flow of traffic moving (I thought they wanted to slow it down!) so there will be no left hand turn off of 48th onto Madison and Baldwin or Baldwin onto 48th Street. The HyVee mall at 48th & Leighton is the hub of business for University Place. We can park once and shop at several stores just like larger shopping centers. All these plans will not change that. And all the money spent on the planter boxes and other things will be wasted trying to keep a really small number of people happy. The businesses along 48th Street are in old buildings and we all know that. All this money they want to

spend won't make the buildings new or easier to get to. It will mean walking further to get to these businesses for people and, at my age, that isn't a good idea. I will probably stop going there altogether.

Because Greens Plumbing building was destroyed by fire they say they can now make better turning lanes at that corner so the city will probably buy that property if they haven't already. The information given out at the open house in November had as one of its goals to extend 47th Street, (since you won't be able to get to 48th from St. Paul), as a defined pedestrian and vehicular thoroughfare but not necessarily a dedicated street through the Hy Vee parking lot. This was supposed to improve vehicle and pedestrian safety and provide better connections to the neighborhood. Their plans say they probably would have to put up some stop signs on that street. I travel 47th Street often and it is already a busy street. The ones working on this seem to think these changes might get more of the Wesleyan students to come down to 48th Street to shop. I don't think it will make any difference. A lot of the University housing is up near 56th and they get in their cars and drive to other parts of town just like a lot of the rest of us do, or use campus facilities.

I have talked to many that live in this part of town since the meeting, and most of them had no idea of what was planned for University Place. Here again I know your planners will say they should know, but many don't take a newspaper or don't belong to the University Place Organization or watch the City Council on channel five. I haven't talked to anyone that thought closing of St. Paul Street was a good idea except for your employees and the "experts", none of whom live around here as far as I know. So I hope and pray that you will take another look at this area of town and see if anyone will benefit by closing St. Paul Street or how it will help move traffic across town better.

Respectfully,

Louise Heiselman
3918 Madison Ave
Lincoln, NE 685
466-4295